



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA June 24, 2020

Tom Baker Meeting Room

5:00 p.m.

City-County Office Building

Watch live meeting coverage on Government Access Channels 2 & 602HD, listen to Radio Access 102.5 FM Radio, or stream FreeTV.org and RadioAccess.org. Agenda items can be found online at www.bismarcknd.gov/agendacenter.

Due to ongoing public health concerns related to COVID-19, the City of Bismarck is encouraging citizens to provide their comments for public hearing items via email to planning@bismarcknd.gov. The comments will be sent to the Planning and Zoning Commissioners prior to the meeting and included in the minutes of the meeting. To ensure your comments are received and distributed prior to the meeting, please submit them by 12noon on the day of the meeting and reference the agenda item your comment addresses.

If you would like to appear via video or audio link for a 3-5-minute comment on a public hearing item, please provide your e-mail address and contact information to planning@bismarcknd.gov at least one business day before the meeting.

The physical meeting room will be open to the public, but we certainly understand the public wishing to limit their exposure at this time, while still participating in government. Before entering the City-County Office Building, all individuals will be screened for COVID-19 symptoms or potential exposure. If unable to

pass the screening protocol, they will be requested to participate in the meeting remotely, for the public's safety.

Most of the Planning and Zoning Commissioners will be attending this meeting remotely.

The number of participants attending in person, including the Planning and Zoning Commissioners, will be physically limited based on social distancing recommendations by way of the following:

- Live simulcasting (video + audio) of the meeting on televisions in other parts of the City-County Office building.
- Admitting those making presentations to the Planning and Zoning Commission into the Tom Baker Meeting Room when they are asked to present or offer public input and, when that agenda item is complete, inviting them to return to the hallway or other room to watch the remainder of the meeting while maintaining social distancing.





Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA June 24, 2020

Item No.	Page No.
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MINUTES

1. Consider approval of the minutes of the May 27, 2020 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA CONSIDERATION

The following items are requests for public hearings.

2. **Silver Ranch Second Addition (DN)** 1
 - Zoning Change (A, R10, CA & P to R10, CA & P) | ZC2020-005
Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
 - Preliminary Plat | PPLT2020-004
Staff recommendation: tentative approval ☐ tentative approval ☐ continue ☐ table ☐ deny
3. **Silver Ranch Third Addition (DN)**10
 - Zoning Change (A to R10, RM20 & P) | ZC2020-006
Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
 - Fringe Area Road Master Plan Amendment | FRMP2020-002
Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
 - Preliminary Plat | PPLT2020-005
Staff recommendation: tentative approval ☐ tentative approval ☐ continue ☐ table ☐ deny



4. **Tract 500 of Blocks 27 & 38, and Lots 3, 4, the North 20 feet of Lot 5, and Lots 9 & 10, Block 38, Northern Pacific Second Addition (JW)**
Zoning Change (RM30 and HM to HM) | ZC2020-007 21

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny

REGULAR AGENDA FINAL CONSIDERATION

The following item is a request for final action and forwarding to the City Commission.

5. **North 223 feet of Lot 1, Block 3, Timber Lane Place Second Subdivision (Klee)**
Annexation | ANNX2020-006 26

PUBLIC HEARINGS

The following item are requests for final action and forwarding to the City Commission.

6. **First Responders Addition (JW)**
Major Subdivision Final Plat | FPLT2020-007 31

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

7. **Parts of S½ of Section 19 & the N½ of Section 30, T139N-R80W/
Hay Creek Township & City Lands (DN)**
Zoning Change (A, R5, R10, RM30 & RT to P) | ZC2020-004 39

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

8. **Lot 8, Block 2, Prairie Pines First Subdivision (JW)**
Special Use Permit (Oversized Accessory Building) | SUP2020-007 45

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

OTHER BUSINESS

9. **Other**

ADJOURNMENT

10. **Adjourn.** The next regular meeting date is scheduled for **July 22, 2020.**

Enclosures: Meeting Minutes of May 27, 2020
Building Permit Activity Month to Date Report for May 2020
Building Permit Activity Year to Date Report for May 2020

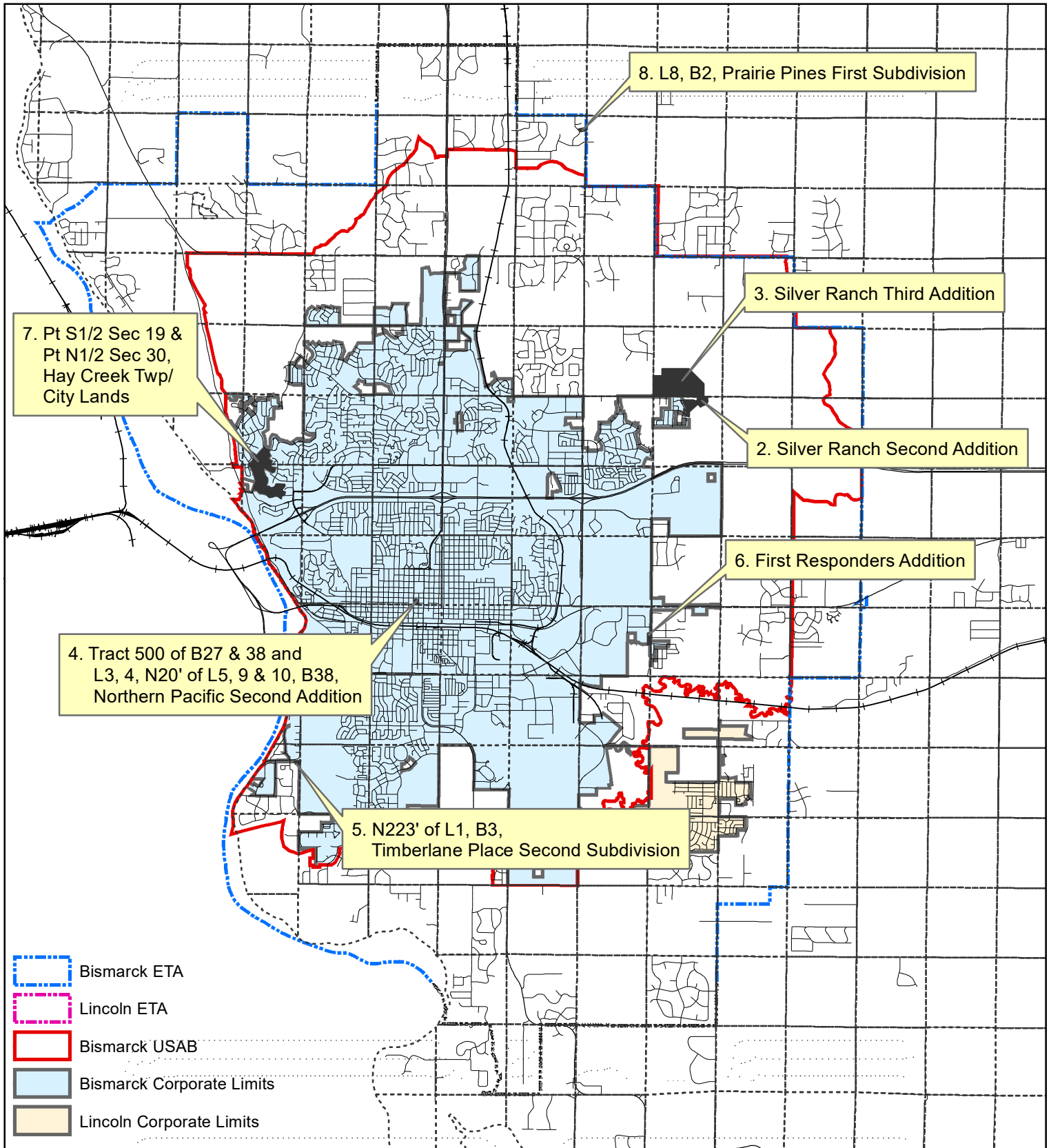
BISMARCK PLANNING AND ZONING COMMISSION PUBLIC HEARING PROCEDURE AND PROTOCOL

All public hearings before the Bismarck Planning and Zoning Commission will follow the same basic format. This outline has been prepared to help you understand the procedure and protocol.

1. The Chair of the Planning and Zoning Commission will introduce the item on the agenda and ask staff to present the staff report.
2. The Planner assigned to the file will present the staff report on the item. The presentation will be an overview of the written staff report included in the agenda packet, which is posted on the City's website by the end of the day on the Friday before the meeting.
3. The members of the Planning and Zoning Commission may ask staff questions about the request itself or staff's recommendation, but they will not discuss the request prior to obtaining input from the public.
4. The Chair of the Planning and Zoning Commission will then open the public hearing on the request and ask if anyone would like to speak to the Commission.
5. The applicant or his or her designated agent is usually given the courtesy of speaking first to outline the proposal and/or clarify any information presented by staff. The applicant may speak at this time or wait until others have spoken.
6. The public hearing is then opened to the public to voice their support, opposition or to ask questions about the proposal. Please write your name and address on the sign-in sheet, step up to the podium, speak clearly, state both your first and last names and your address, then your comments. Speaking over the microphone rather than directly into it will provide the best audio quality. Also, please avoid tapping or banging the podium, as the microphone amplifies the sound. Your comments as well as any materials distributed to the Planning and Zoning Commissioners at this time will be made part of the public record. If you would prefer to provide written materials to staff at the beginning of the meeting, we will distribute the materials to the Commission for you.
7. Please be respectful of the Planning and Zoning Commissioners, staff and others speaking on the request. Personal attacks against the applicant or others, clapping/cheering or booing speakers is not acceptable. Staff and the applicant will only respond to questions from the Planning and Zoning Commissioners, not questions directly from those speaking at the public hearing.
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions of those speaking, but may also listen and deliberate after the hearing is closed.
9. After everyone in the audience wishing to speak has given his or her comments, the Chair will close the public hearing portion for the agenda item. No additional comments from the public are allowed after the hearing has been closed. At this point, the Chair will ask staff if they have any additional information or final comments.
10. The Planning and Zoning Commissioners will then discuss the proposal. They may ask staff or the applicant additional questions or for clarification of items stated during the public hearing. At the conclusion of the discussion, the Commission will make its recommendation or decision.

General Location Map

Planning and Zoning Commission - June 24, 2020



June 2020

0 4,000 8,000 16,000 Feet

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 2

June 24, 2020

Application for: Zoning Change

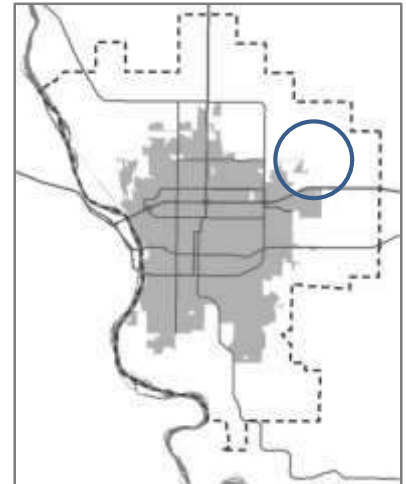
Major Subdivision Preliminary Plat

TRAKiT Project ID: ZC2020-005

PPLT2020-004

Project Summary

Title:	Silver Ranch Second Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Silver Ranch 19, LLLP (owner) Investcore, Inc. (applicant)
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In northeast Bismarck, on the south side of 43 rd Avenue NE (a replat of Lots 1-24, Block 7, Silver Ranch First Addition First Replat, and part of the NE ¼ of Section 19, T139N-R79W/Gibbs Township)
Project Size:	26.20 Acres
Request:	Replat residential, commercial, and park lots and plat and rezone additional commercial lots



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	46 lots in 1 block	Number of Lots:	28 lots in 2 blocks
Land Use:	Undeveloped	Land Use:	Single and two-family residential, neighborhood commercial, and park
Designated GMP Future Land Use:	Medium Density Residential/Mixed Use (portions not previously platted)	Designated GMP Future Land Use:	Medium Density Residential/Mixed Use (portions not previously platted)
Zoning:	R10 – Residential CA – Commercial P – Public Use A – Agricultural	Zoning:	R10 – Residential CA – Commercial P – Public Use
Uses Allowed:	R10 – Single and two-family residential CA – Neighborhood commercial P – Parks, open space, stormwater facilities, and other public uses A – Agriculture	Uses Allowed:	R10 – Single and two-family residential CA – Neighborhood commercial P – Parks, open space, stormwater facilities, and other public uses
Max Density Allowed:	R10 – 10 units / acre CA – 30 units / acre	Max Density Allowed:	R10 – 10 units / acre CA – 30 units / acre

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Property History

Zoned:	05/2018 (Silver Ranch First Addition First Replat)	Platted:	05/2018 (Silver Ranch First Addition First Replat)	Annexed:	N/A
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Staff Analysis

Investcore Inc. and Silver Ranch 19, LLLP are requesting approval of a zoning change from the R10 – Residential, CA – Commercial, P – Public and A – Agricultural zoning districts to the R10 – Residential, CA – Commercial and P – Public zoning districts and tentative approval of a major subdivision preliminary plat for Silver Ranch Second Addition.

Adjacent uses include developing two-family residential areas to the west and agricultural land in all other directions.

The majority of this plat is a replat of portions of Silver Ranch First Addition First Replat, resulting in a net reduction of residential lots from 45 to 23. Most of the lots previously planned for two-family development would be converted to lots sized that could be developed for single-family homes or two-family dwellings.

Additional land is included in the plat on the east side of Silver Ranch Road, with a requested zoning of CA – Commercial, which matches the current zoning across this collector roadway to the west.

Conformance with Comprehensive Plan

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies the new portion proposed for platting as Medium Density Residential/Mixed Use. The requested CA – Commercial zoning district conforms to this classification, as it could be utilized for either neighborhood commercial uses or multifamily residential.

The Growth Phasing Plan identifies this entire plat, even areas already platted, as a Future Urban Growth Area. This area cannot currently be served with city utilities until a sanitary sewer trunkline is extended through the undeveloped areas east of this plat. The necessary infrastructure should be in place prior to

annexation of these lots, and the City would not be responsible for costs of installation.

Transportation and Access

This plat would convert a previously platted loop road, Bronze Loop, into two separate cul-de-sacs, Iron Circle and Iron Place. A waiver for use of the cul-de-sacs has been submitted, citing topography as a justification. According to the statement, the previous loop road would require the foundations of homes to be placed on significant fill, while the use of cul-de-sacs would allow homes to be built on natural slopes. The slopes are approximately 15-18% in this area, which are under the threshold when a slope protection easement would typically be required.

Secondary access may become an issue during construction of this subdivision. An alternate means of access must be provided once 25 residential building permits are issued with a single access. Although this is not a concern at the present platting stage, the developer should be aware that the sequence of roadway construction will determine how many lots can be developed.

Both police and fire representatives for the City of Bismarck have expressed concerns with any new development in this area without further access improvements to the overall area. The existing primary access to the Silver Ranch development, the two-lane rural 43rd Avenue NE, could be strained by further development, and the only secondary access currently available would add considerable distance for emergency response from the stations.

Park and Open Space

Lots 25 and 26, Block 1 were originally platted for a park to satisfy the conditions of the Neighborhood Parks and Open Space ordinance and policy for the

(continued)

entire Silver Ranch First Addition. The park lot will be included in the replat, with a slightly expanded footprint to allow sufficient space for stormwater conveyance and a multiuse trail. The Bismarck Parks and Recreation District has expressed interest in installing the planned improvements for this park in the short-term, to allow the existing residents to have access to these amenities and effectively communicate the park's existence to prospective residents.

Lot 2, Block 2, on the east side of Silver Ranch Road, is an unbuildable lot dedicated entirely to stormwater conveyance. Ownership of this lot has yet to be determined.

Required Findings of Fact (relating to land use)

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies may be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed, if necessary trunklines are extended prior to annexation;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. A neighborhood park development agreement with Bismarck Parks and Recreation District is already in effect;
4. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required;
5. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer;
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision
7. The City of Bismarck and/or other agencies may be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed, if necessary trunklines are extended prior to annexation;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and

(continued)

11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for a zoning change from the R10 – Residential, CA – Commercial, P – Public and A – Agricultural zoning districts to the R10 – Residential, CA – Commercial and P – Public zoning districts, and tentative approval of a major subdivision preliminary plat for Silver Ranch Second Addition.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Preliminary Plat
5. Cul-de-sac Waiver Request

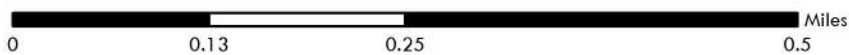
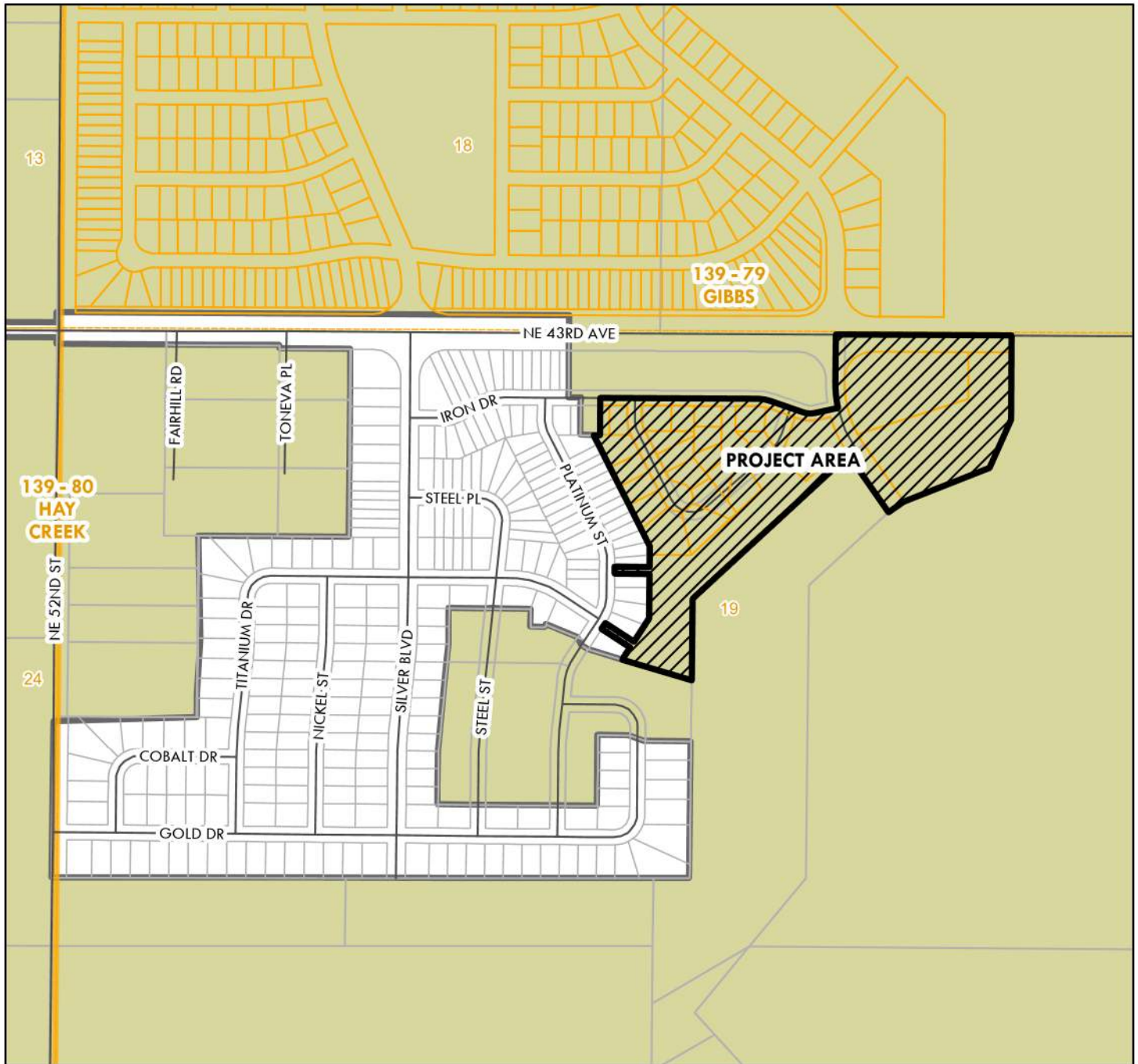
Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov



Location Map

SILVER RANCH SECOND ADDITION

PPLT2020-004
ZC2020-005

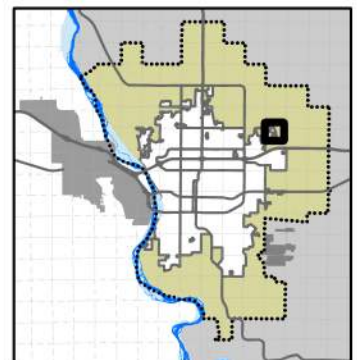


- City Limits
- County Outside ETA
- Bismarck ETA Jurisdiction
- Lots Pending Approval

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
May 27, 2020 (HLB)

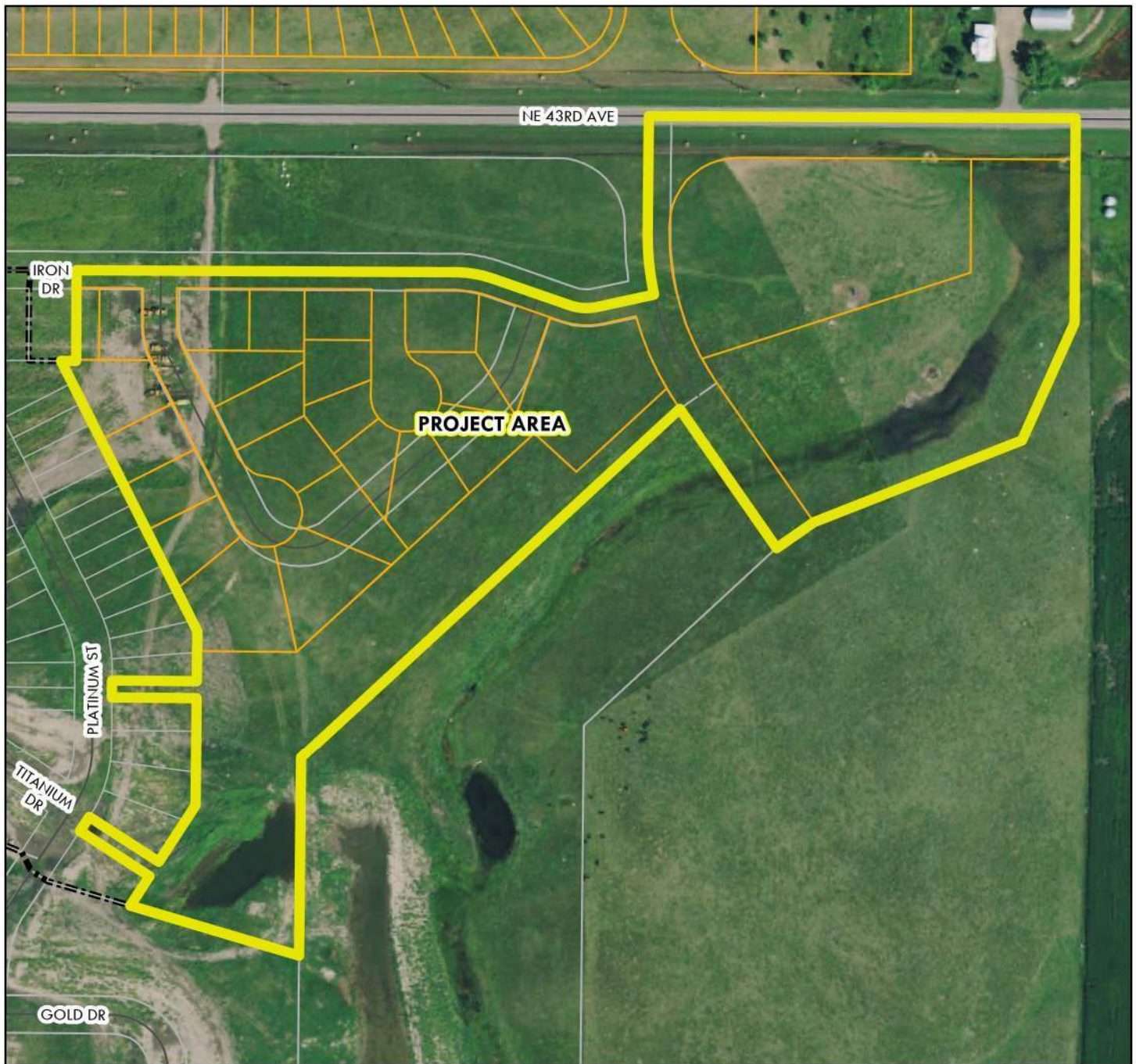
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Aerial Map
SILVER RANCH SECOND ADDITION

PPLT2020-004
ZC2020-005

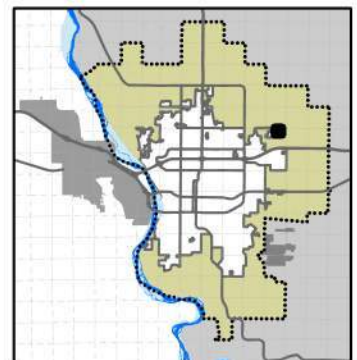


City Limits Bismarck ETA Jurisdiction

Aerial Imagery from 2019

City of Bismarck
Community Development Department
Planning Division
May 27, 2020

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Zoning and Plan Reference Map

SILVER RANCH SECOND ADDITION

PPLT2020-004
ZC2020-005

Zoning Districts

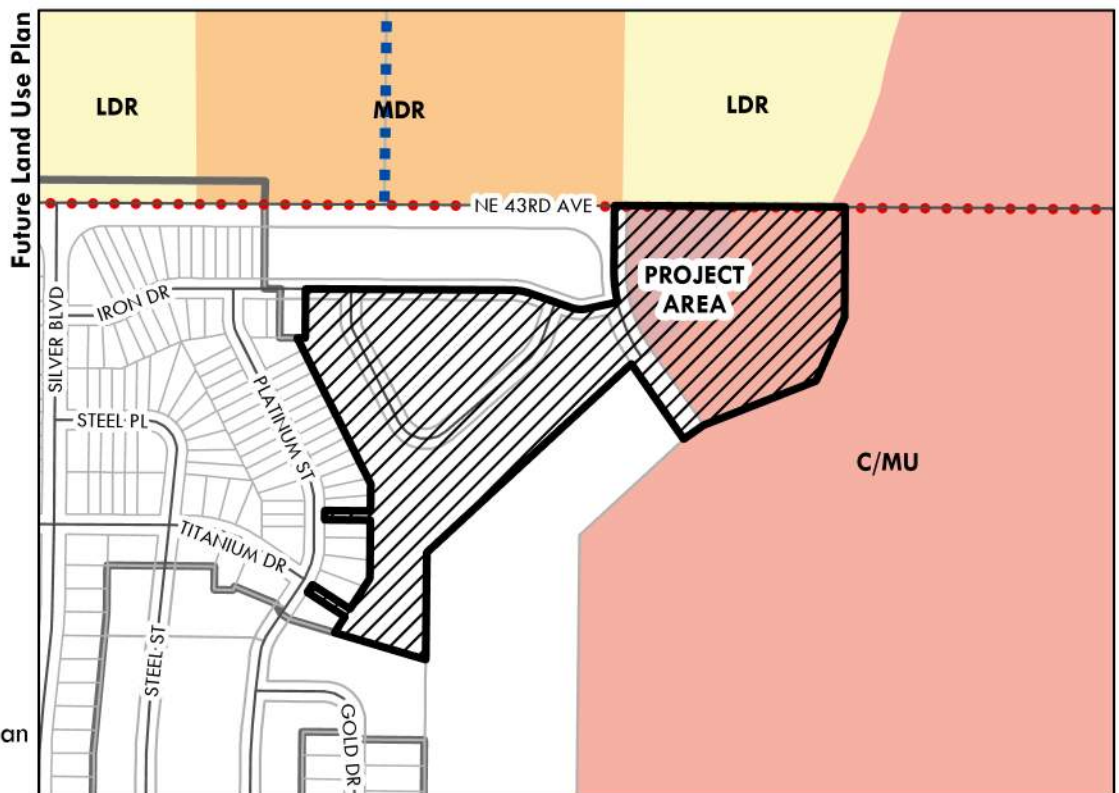
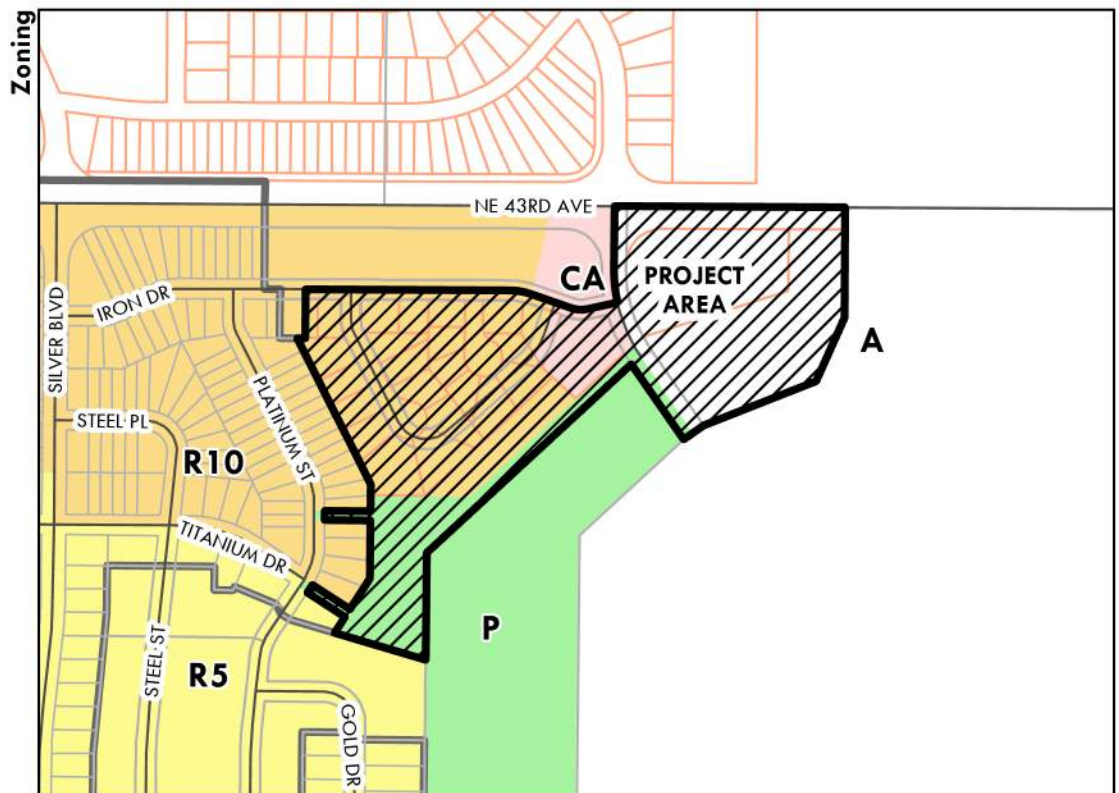
A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

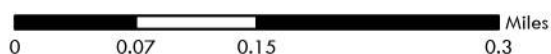
CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- ● ● Future Arterial Road
- ■ ■ Future Collector Road



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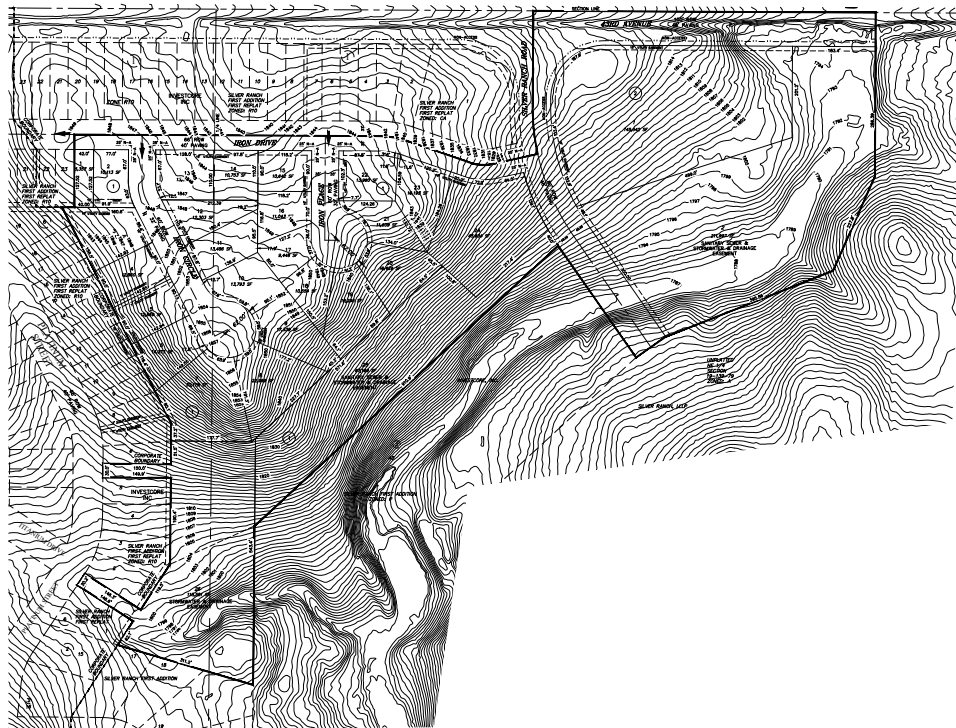
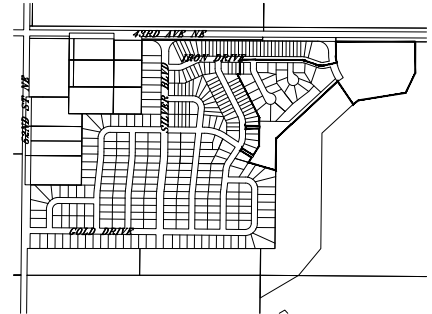
City of Bismarck
Community Development Dept.
Planning Division
May 27, 2020

SILVER RANCH SECOND ADDITION

BEING A REPLAT OF LOTS 24-49 BLOCK 6
 LOTS 1-20 BLOCK 7
 SILVER RANCH FIRST ADDITION FIRST REPLAT AND
 PART OF THE NE1/4 OF
 SECTION 19, TOWNSHIP 139 NORTH, RANGE 79 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

LOCATION MAP



26.20 ACRES
 EXISTING ZONING: R10, CA, P, & A
 28 LOTS
 PROPOSED ZONING: R10, CA & P

OWNER: SILVER RANCH 19 LLLP
 ADDRESS: 1117 N 3RD ST
 BISMARCK, ND 58501



0 100' 200'
 SCALE - 1" = 100'

VERTICAL DATUM: NGVD 29
 JUNE 10, 2020



SWENSON, HAGEN & CO. P.C.

civil engineering . surveying . land planning . hydrology
landscape & site design . construction management

Use of cul-de-sac waiver

The proposed cul-de-sacs, Iron Circle & Iron Place, as shown on Silver Ranch Second Addition, are intended to replace the previously platted Bronze Loop right-of-way. The existing grades in the area are severe, and are not compatible with a looped access. As shown on the attached plat, the existing grades have a 20' to 30' drop in elevation for the proposed lots. If the currently platted Bronze Loop were to remain in place, significant fill would be needed for the lots, and would result in homes/foundations being placed almost entirely on compacted fill, rather than virgin soil. The use of cul-de-sacs would allow for the natural slope to be used as rear yards for Silver Ranch Second Addition.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 3
June 24, 2020

Application for: Zoning Change

Fringe Area Road Master Plan Amendment

Major Subdivision Preliminary Plat

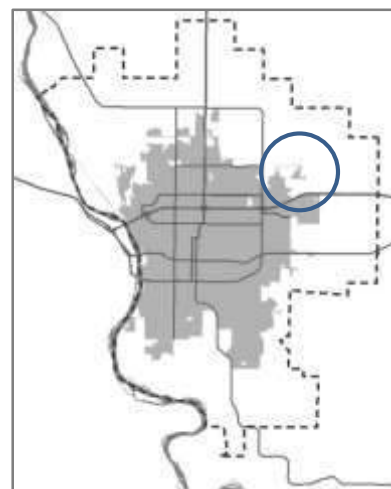
TRAKiT Project ID: ZC2020-006

FRMP2020-002

PPLT2020-005

Project Summary

Title:	Silver Ranch Third Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Silver Ranch 18, LLLP (owner) Investcore, Inc. (applicant)
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	Northeast of Bismarck, on the north side of 43 rd Avenue NE (part of the S½ of Section 18, T139N-R79W/Gibbs Township)
Project Size:	159 Acres
Request:	Plat and zone undeveloped land for future development of single-family residential, multi-family residential and a potential school site



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 parcels	Number of Lots:	299 lots in 15 blocks
Land Use:	Undeveloped	Land Use:	Single, two-family, and multi-family residential, potential school site
Designated GMP	Low Density Residential	Designated GMP	Low Density Residential
Future Land Use:	Medium Density Residential	Future Land Use:	Medium Density Residential
Zoning:	A – Agricultural	Zoning:	R10 – Residential RM20 – Residential P – Public Use
Uses Allowed:	P – Parks, open space, stormwater facilities, and other public uses	Uses Allowed:	R10 – Single and two-family residential RM20 – Multi-family residential P – Parks, open space, stormwater facilities, and other public uses
Max Density Allowed:	A – 1 unit / 40 acres	Max Density Allowed:	R10 – 10 units / acre RM20 – 20 units / acre

Property History

Zoned:	N/A	Platted:	N/A	Annexed:	N/A
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Staff Analysis

Investcore, Inc. and Silver Ranch 18, LLLP are requesting approval of a zoning change from the A – Agricultural zoning district to the R10 – Residential and RM20 – Residential zoning districts, a Fringe Area Road Master Plan amendment, and tentative approval of a major subdivision preliminary plat for Silver Ranch Third Addition. The applicant has also applied for the annexation of a portion of this subdivision, which would be presented during the public hearing for the items considered at this time.

Adjacent uses include undeveloped agricultural land to the north and east, developing single and two-family urban residences to the southeast, and existing rural residences to the southwest and west.

The plat includes a large site, Lot 1, Block 9, in the center reserved for a potential elementary school. During their May 2020 regular meeting, the Bismarck Public Schools Board approved a three-phase facilities plan, the first of which involves the construction of two new elementary schools, with scheduled opening in Fall of 2022. If this school site is not ultimately selected, the site would be replatted and developed with single and two-family residential lots as a contingency.

The timeline for the school site is the determinant factor for the applicant in the timing of this plat and annexation. Although undeveloped residential lots are currently available in previously platted and annexed areas to the south, this plat and annexation is intended to meet the more immediate desire for a school site.

Conformance to Comprehensive Plan

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies portions of this area as Low-Density Residential (LDR) and other portions as Medium-Density Residential (MDR). The proposed plat includes mostly single and two-family residences in the LDR portion for a gross density of 1.87 units per acre. The MDR portion is similar, although also includes two multi-family residential lots. The

average density of this portion is 3.66 units per acre. Staff believes the proposed plat conforms to the Future Land Use Plan. Although densities are slightly below the established ranges, this may be accounted for by a large school site and undeveloped drainage areas.

The Growth Phasing Plan identifies this entire plat as a Future Urban Growth Area. The area of this plat cannot currently be served with city utilities until a sanitary sewer trunkline is extended through the undeveloped areas southeast of this plat. Additionally, a water main must be extended for approximately $\frac{3}{4}$ of mile from the existing city limits to provide sufficient water pressure to support development. An easement for this route was approved by the City Commission in May 2020. A second water main connection to Silver Ranch First Addition to the south would also be necessary.

The City would not be responsible for any costs of infrastructure in the Future Urban Growth Area, per the Growth Phasing Plan. Questions remain regarding potential indirect costs that may result from this annexation. Such costs may include, but are not limited, a potential need to upgrade a sanitary sewer interceptor for the Hay Creek watershed, a potential need to improve the segment of 43rd Avenue NE between this development and the remainder of the city, a potential need to construct a new fire station once warranted by growth in this area, and potential improvements necessary to create a more direct secondary access from the city to this area.

The Fringe Area Road Master Plan includes a proposed north-south collector roadway through the eastern portion of this plat. This collector generally aligns with the proposed Silver Ranch Road, and the applicant has requested an amendment to this Plan to shift the location of this roadway, at the south end, approximately 750 to the east. The intent of the Plan would remain intact with this amendment and would allow Silver Ranch Road to align across 43rd Avenue NE

(continued)

between this plat and Silver Ranch Second Addition to the south.

Transportation and Access

The primary access to the site is via 43rd Avenue NE, a two-lane rural section roadway that was recently improved with pavement, adjacent to this parcel, by Burleigh County. Access would also be provided from 52nd Street NE from the west side of the subdivision. As such, the development complies with the terms of the Secondary Roadway Access Policy.

However, access concerns have been raised for the entire developed area, because the connection to the remainder of the city is through a single segment of 43rd Avenue NE west of the proposed subdivision. If this roadway were to be blocked, emergency vehicles would be rerouted, adding approximately three miles to a trip. Secondary access issues should be resolved prior to annexation.

If the site is developed as a school, additional measures should be taken to ensure pedestrian safety around the school. The location of the school in the center of the subdivision, rather than adjacent to an arterial roadway, will create a safer environment.

Parks and Open Space

The Neighborhood Parks and Open Space ordinance and policy requires a neighborhood park in any urban residential subdivision, unless waived by the Bismarck Parks and Recreation District. The Park Board waived this requirement during their May 21, 2020 regular meeting, with the understanding that both a regional and neighborhood park may be included in a future addition of Silver Ranch to the east.

A drainage area would be left undeveloped in the northwestern portions of this plat. These areas will be used for stormwater storage and conveyance, as well as separate sanitary sewer mains. Ownership of these lots has not yet been determined, and the final zoning request may vary depending on the intended owner. The area includes a series of wetlands. Prior to submittal of a final plat, these wetlands will need to be delineated and a jurisdictional determination will be required from the U.S. Army Corps of Engineers, with

possible measures necessary to mitigate any effects on these wetlands from development or construction of infrastructure.

Two separate unbuildable lots would be included on the north side of 43rd Avenue NE. These lots would be used for landscaping and signage to create a buffer between the arterial roadway and the backyards of adjoining lots. These unbuildable lots would be owned and maintained by a homeowners' association. There would also be approximately 23 double-frontage lots along the 52nd Street NE arterial roadway. An average lot depth of approximately 190 feet is sufficient, according to ordinance requirements, to allow a landscaped buffer adjacent to the arterial roadway on individual lots.

Required Findings of Fact (relating to land use)

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed, provided necessary sanitary sewer trunklines and water mains are extended to the boundaries of the subdivision;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and

(continued)

8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Fringe Area Road Master Plan Amendments

1. The proposed amendment is compatible with adjacent land uses;
2. The proposed amendment is justified by a change in conditions since the Fringe Area Road Master Plan was established or last amended;
3. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
4. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
5. The proposed amendment is consistent with the other aspects of the master plan, other adopted plans, policies and accepted planning practice; and
6. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. The requirements of the neighborhood parks and open space policy have been waived by the Bismarck Parks and Recreation District;
4. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required;
5. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer;
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of

municipal services beyond the boundaries of the subdivision

7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed, provided necessary sanitary sewer trunklines and water mains are extended to the boundaries of the subdivision;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development, provided existing wetlands are preserved or mitigated;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the A – Agricultural zoning district to the R10 – Residential, RM20 – Residential and P-Public zoning districts, a Fringe Area Road Master Plan amendment to shift the location of the north-south collector approximately 750 feet to the east, and tentative approval of a major subdivision preliminary plat for Silver Ranch Third Addition.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map

(continued)

4. Fringe Area Road Master Plan Map
 5. Proposed Zoning Map
 6. Preliminary Plat
-

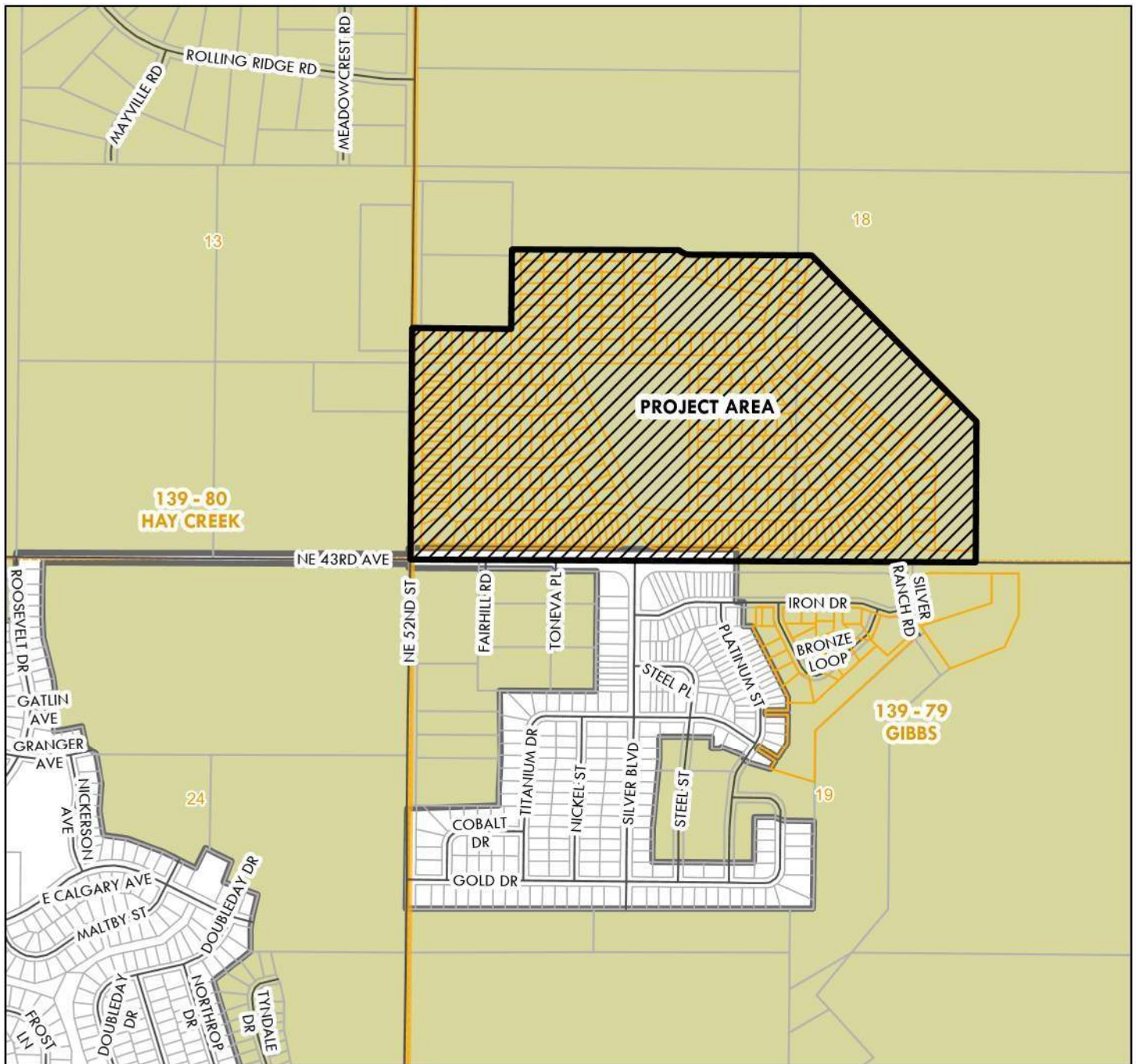
Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov



Location Map

SILVER RANCH THIRD ADDITION

PPLT2020-005
ZC2020-006

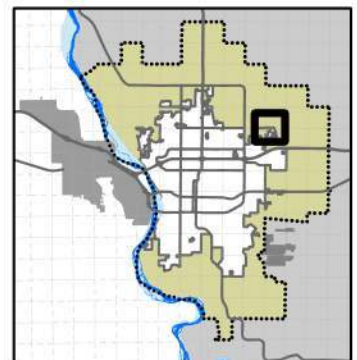


- City Limits
- Bismarck ETA Jurisdiction
- County Outside ETA
- Lots Pending Approval

Section, township, and
range indicated in orange

City of Bismarck
Community Development Department
Planning Division
May 27, 2020 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

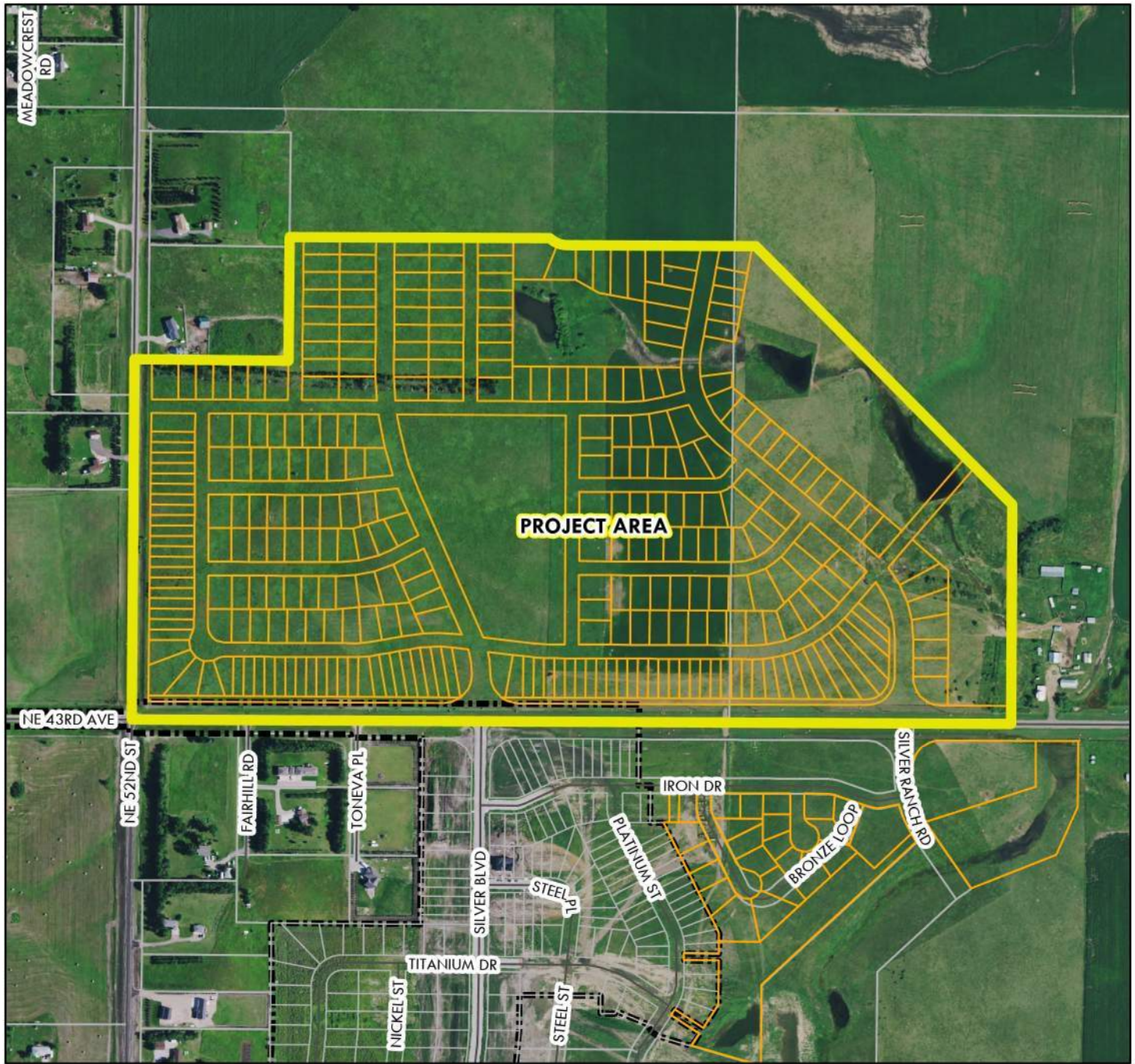




Aerial Map

SILVER RANCH THIRD ADDITION

PPLT2020-005
ZC2020-006

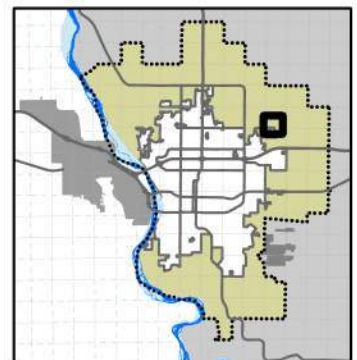


 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from 2019

City of Bismarck
Community Development Department
Planning Division
May 27, 2020

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





Zoning and Plan Reference Map

SILVER RANCH THIRD ADDITION

PPLT2020-005
ZC2020-006

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

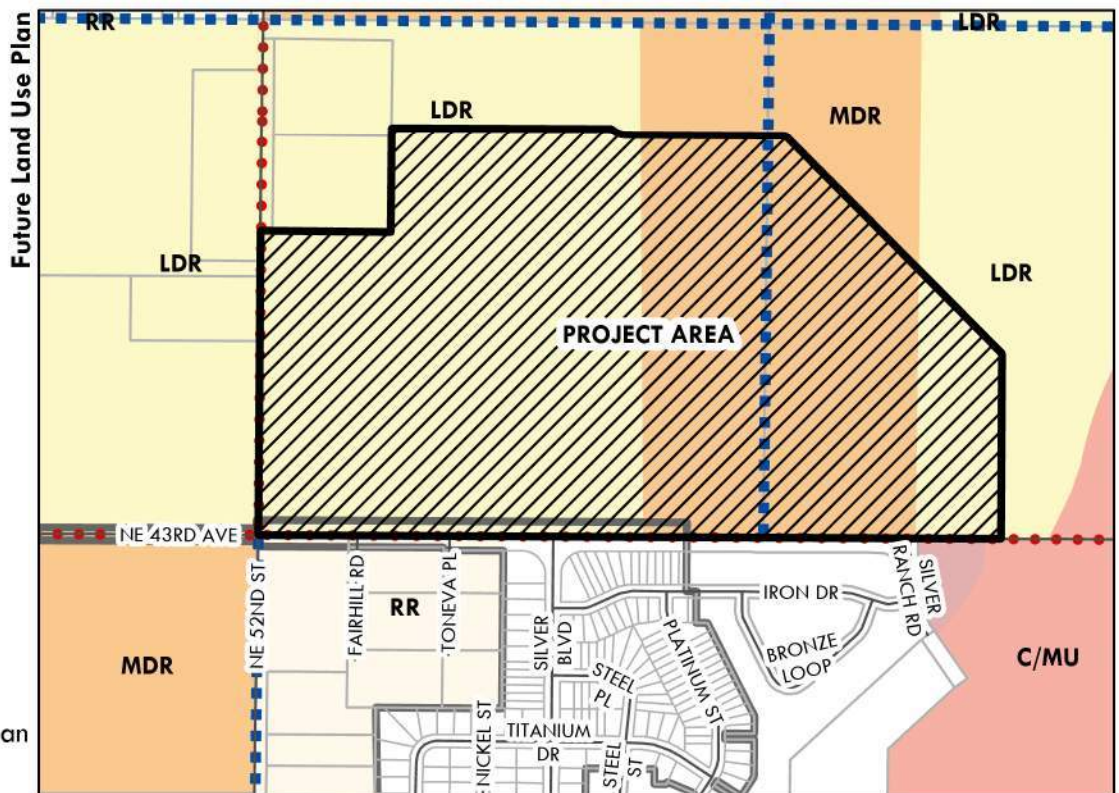
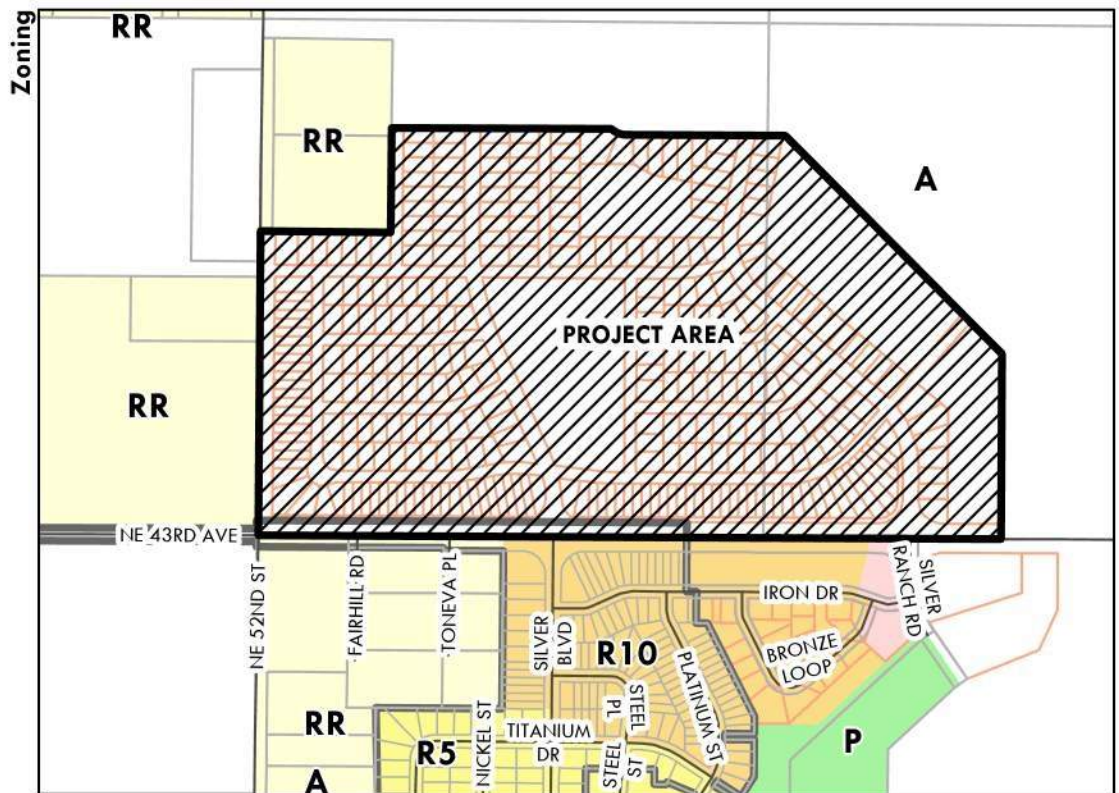
Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- • • Future Arterial Road
- ■ ■ Future Collector Road

0 0.1 0.2 0.4 Miles

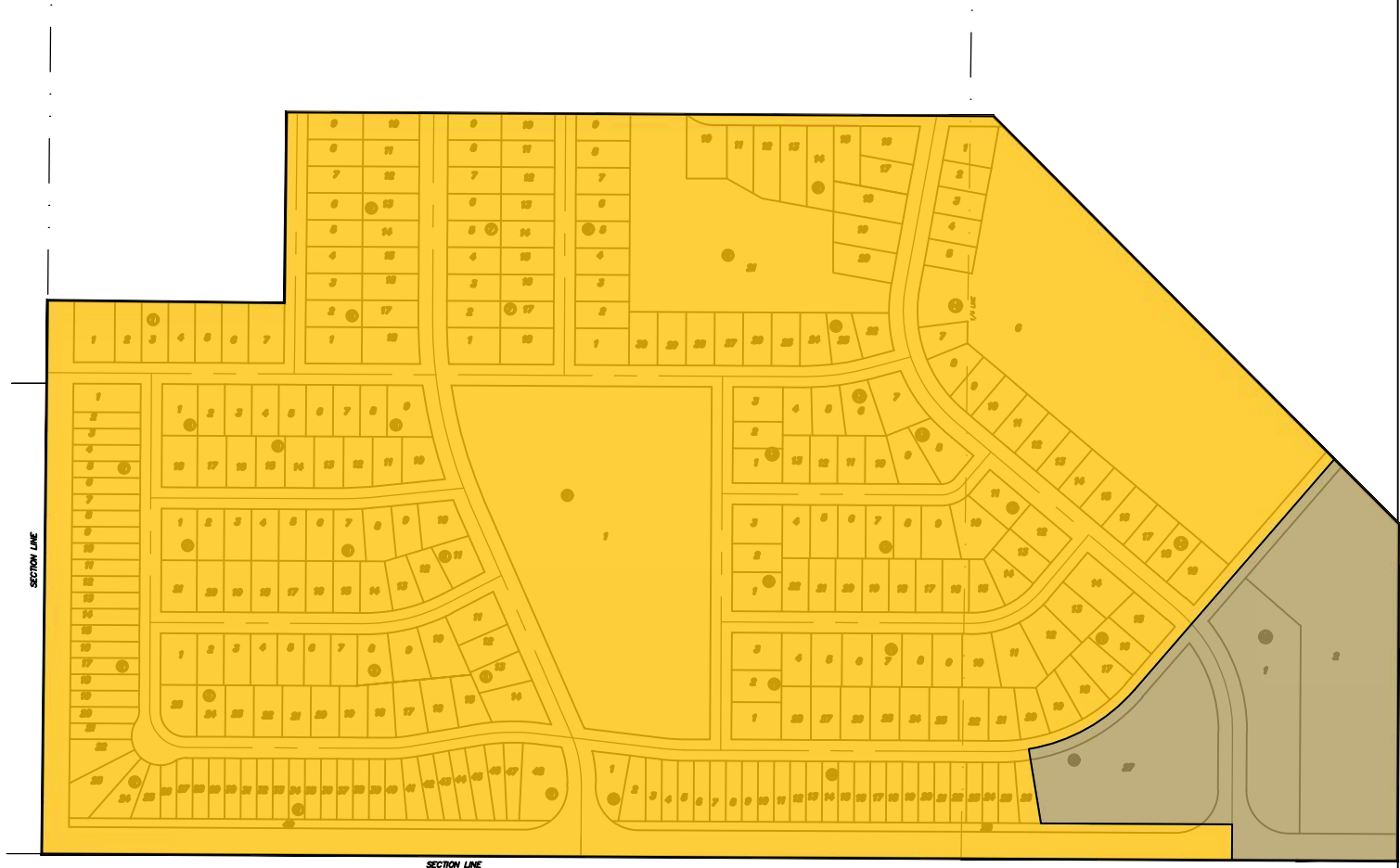


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City of Bismarck
Community Development Dept.
Planning Division
May 27, 2020

**SILVER RANCH THIRD ADDITION
ZONING EXHIBIT**



*RM20--LOT 27 BLOCK 10; ALL OF
BLOCK 15*



*R10--ALL OF BLOCKS 1-9,
LOTS 1-16, 28 BLOCK 10
ALL OF BLOCKS 11-14*



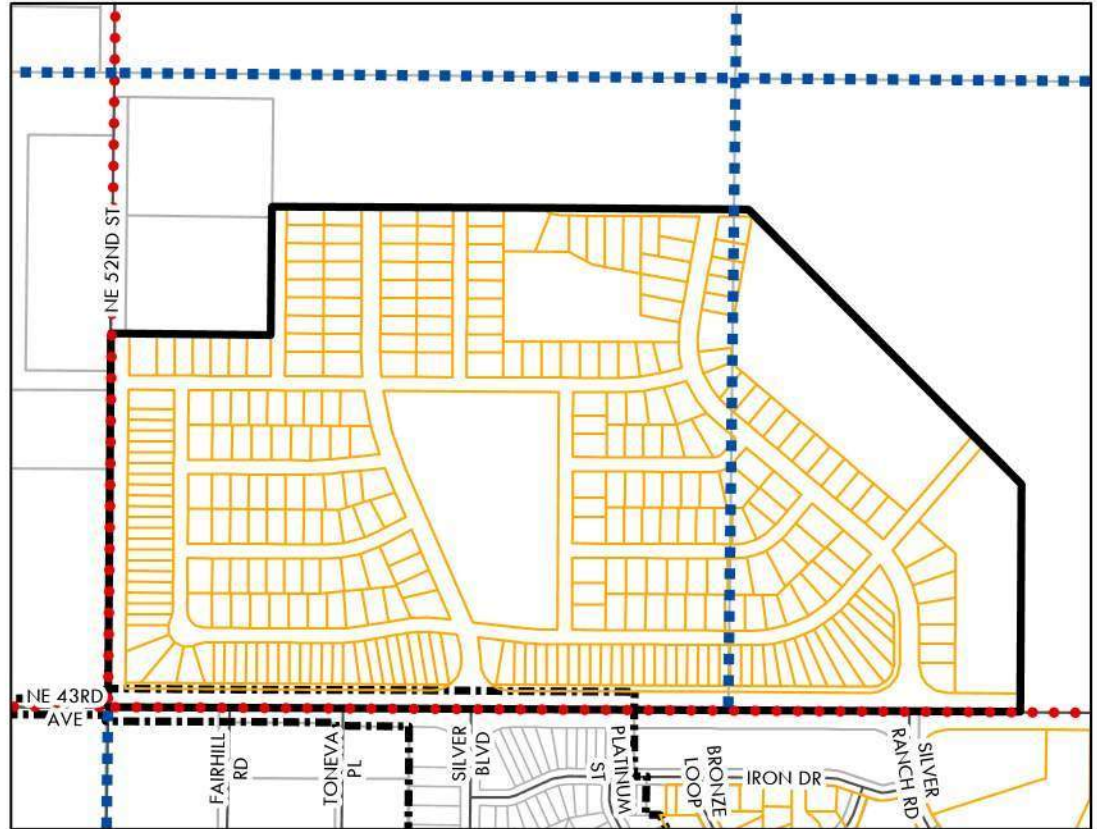
Existing Plan

Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

Associated Project Area

City Limits

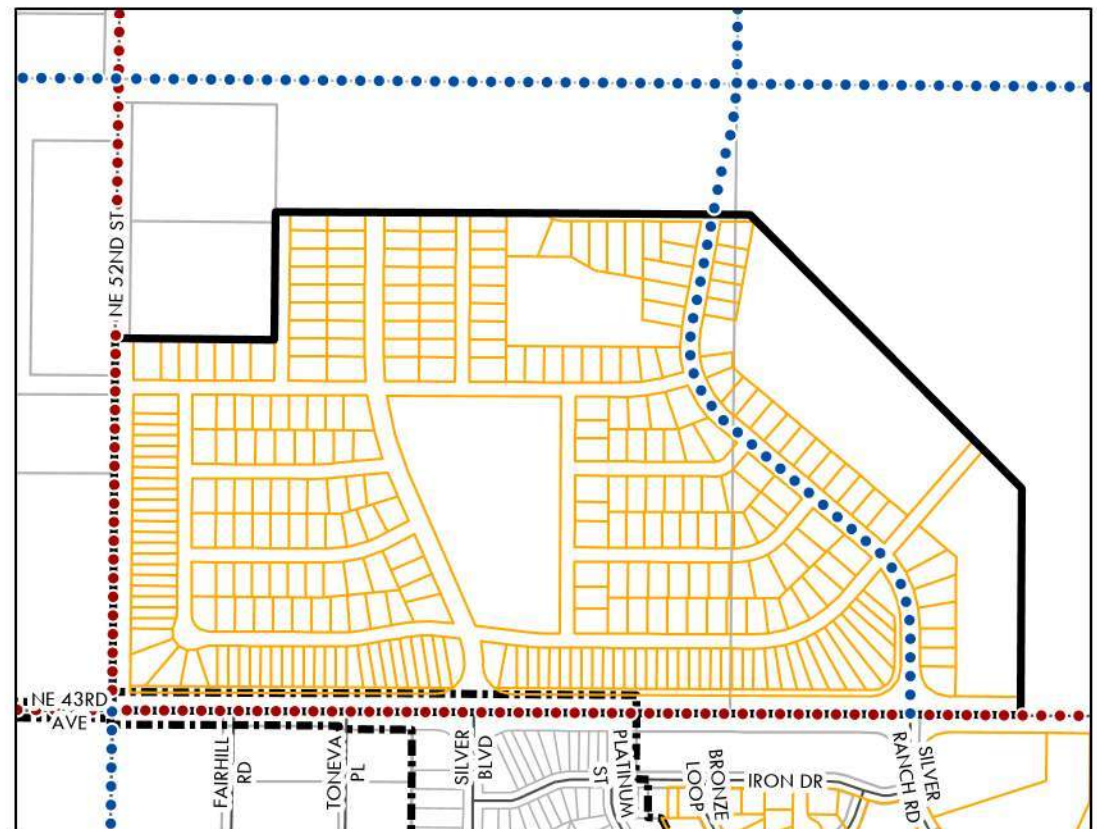


Proposed Plan

0 0.05 0.1 0.2 Miles

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

City of Bismarck
Community Development
Department
Planning Division
June 16, 2020





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 4

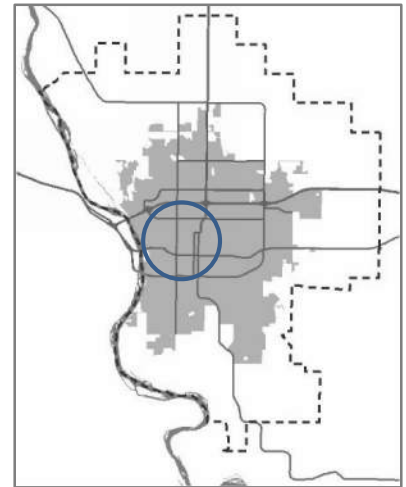
June 24, 2020

Application for: Zoning Change

TRAKiT Project ID: ZC2020-007

Project Summary

Title:	Tract 500 of Blocks 27 and 38, and Lots 3, 4, the North 20 feet of Lot 5 and Lots 9 and 10, Block 38, Northern Pacific Second Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Amy Gross, Bismarck Cancer Center
Project Contact:	Lon Romsaas, PE, Swenson, Hagen and Company
Location:	In central Bismarck, between East Rosser Avenue and East Avenue B, along the west side of North 8 th Street
Project Size:	75,420 square feet
Request:	Rezone property for future expansion of Bismarck Cancer Center and related uses



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	4 parcels in 1 block	Number of Lots:	4 parcels in 1 block
Land Use:	Medical use (Bismarck Cancer Center)	Land Use:	Medical use (Bismarck Cancer Center)
Designated GMP	Already zoned. Not in Future Land Use Plan	Designated GMP	Already zoned. Not in Future Land Use Plan
Future Land Use:		Future Land Use:	
Zoning:	HM – Medical Facility RM30 – Residential	Zoning:	HM – Medical Facility
Uses Allowed:	HM – Health and medical, multi-family and limited commercial uses RM30 – Multi-family residential	Uses Allowed:	HM – Health and medical, multi-family and limited commercial uses
Max Density Allowed:	HM – 30 units / acre RM30 – 30 units / acre	Max Density Allowed:	HM – 30 units / acre

Property History

Zoned:	Pre-1980	Platted:	1912	Annexed:	Pre-1980
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Staff Analysis

The Bismarck Cancer Center is requesting approval of a zoning change from the HM – Medical Facility and RM30 – Residential zoning districts to the HM – Health Facility zoning district for Tract 500 of Blocks 27 and 38, and Lots 3, 4, the North 20 feet of Lot 5, and Lots 9 and 10, Block 38, Northern Pacific Second Addition.

The proposed zoning change request is in conjunction with a plat modification to vacate portions of the adjacent alleys and grant an easement for a new east-west alley, and a lot combination to combine parcels owned by the applicant zoned both RM30 – Residential and HM – Medical to allow for a future addition to the existing Bismarck Cancer Center facility.

Adjacent uses include existing single and multi-family residential to the north and east across North 8th Street as well as various medical uses and associated parking to the east, across North 8th Street, south and west across North 7th Street.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;

4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the HM – Medical Facility and RM30 – Residential zoning districts to the HM – Health Facility zoning district for Tract 500 of Blocks 27 and 38, and Lots 3, 4, the North 20 feet of Lot 5, and Lots 9 and 10, Block 38, Northern Pacific Second Addition.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map

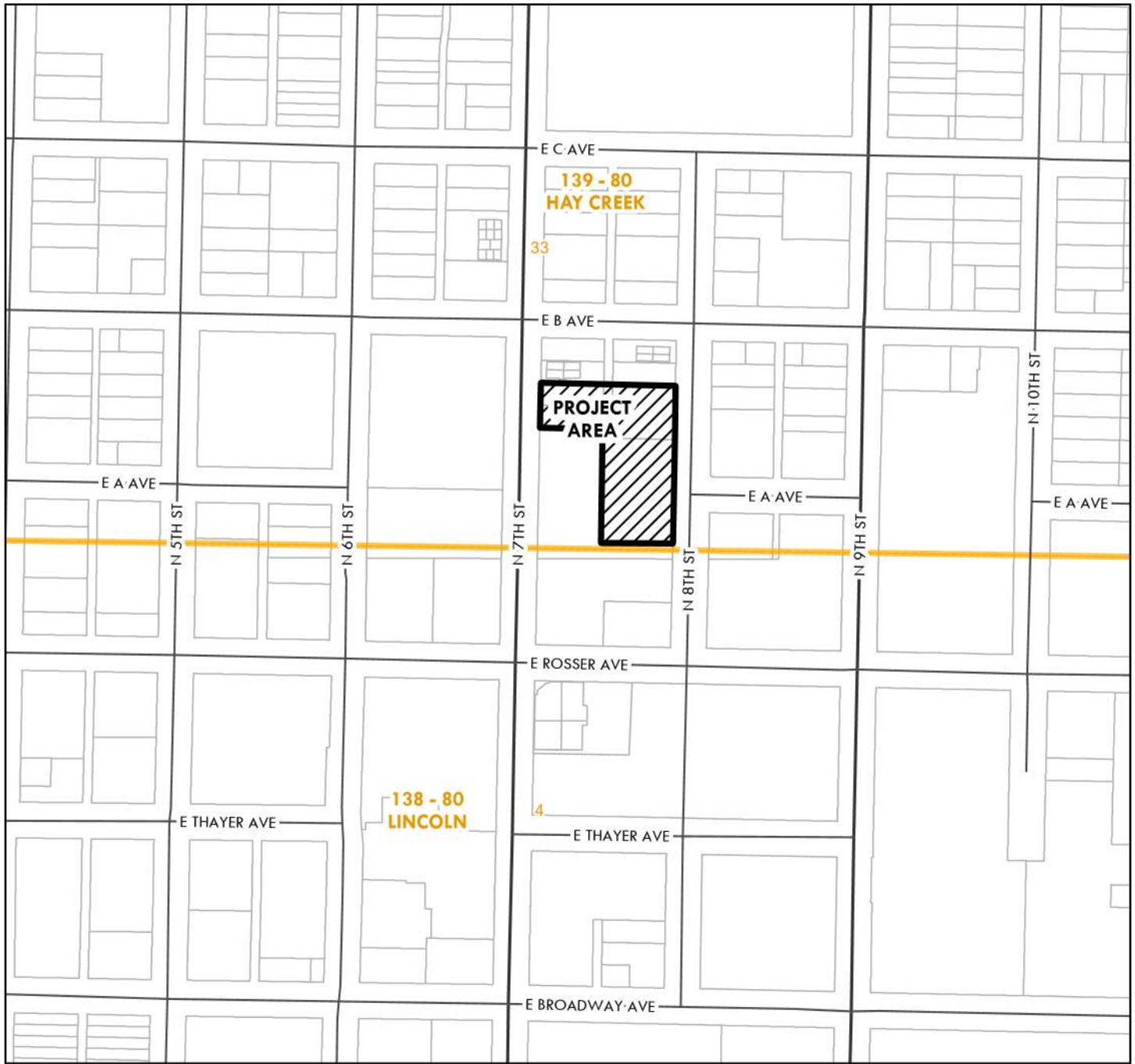
Staff report prepared by: Jenny Wollmuth, AICP, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov




Location Map

ZC2020-007

TRACT 500 OF B27&38 & L3,4&9,B27,NORTHERN PACIFIC 2ND ADD



 City Limits

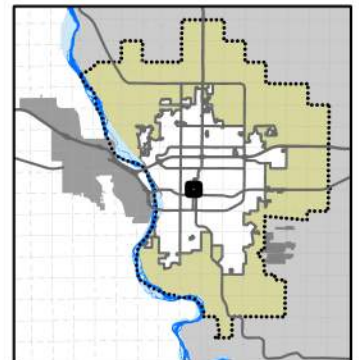
 County Outside ETA

 Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange

City of Bismarck
Community Development Department
Planning Division
May 29, 2020 (HLB)

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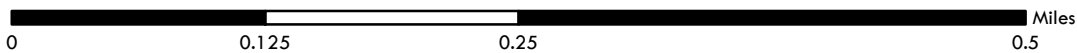
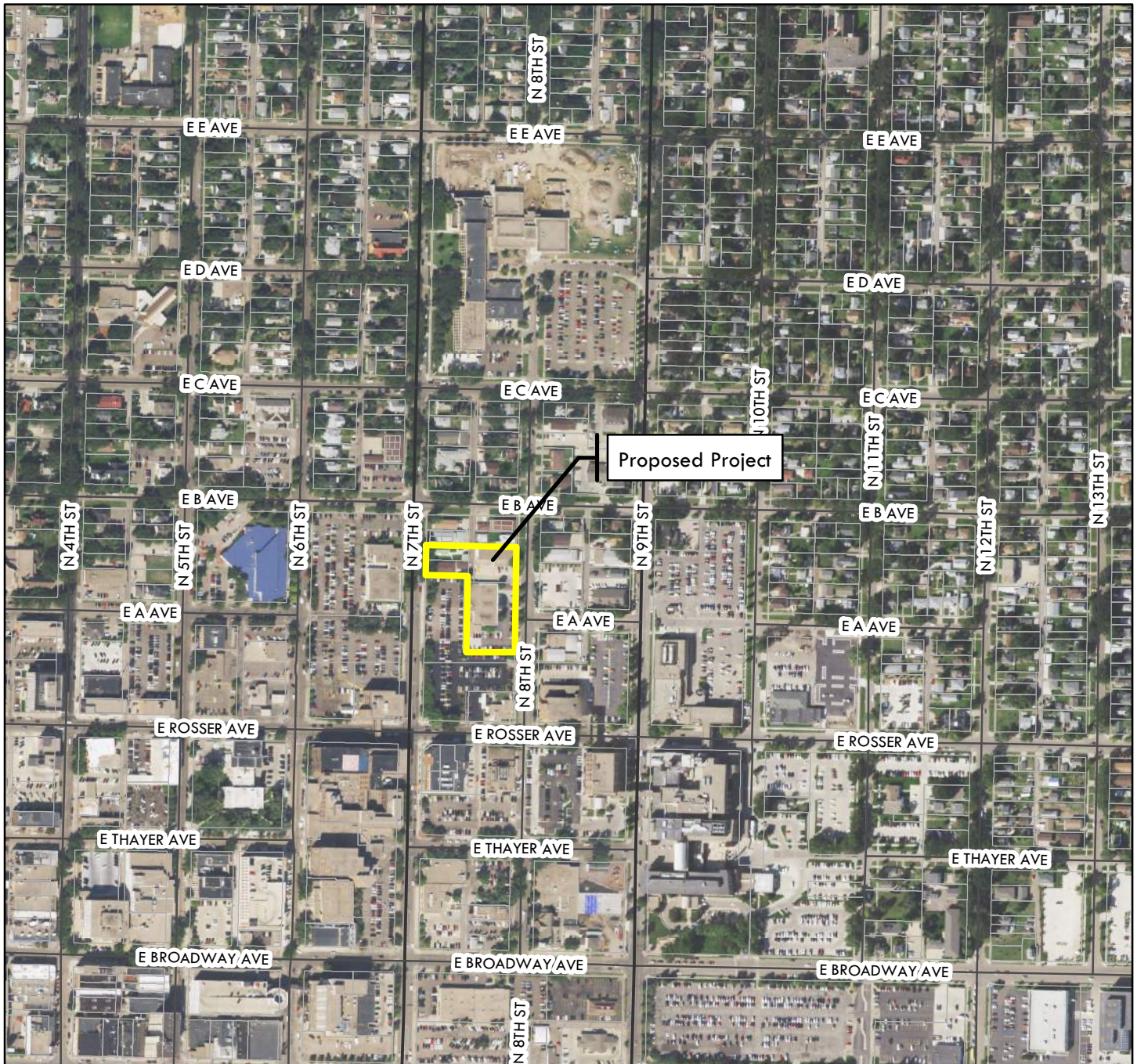




Aerial Map

ZC2020-007

Tract 500 of Blocks 27 and 38, and Lots 3, 4 and the North 20 feet of Lot 5, and Lots 9 and 10, Block 38, Northern Pacific Second Addition



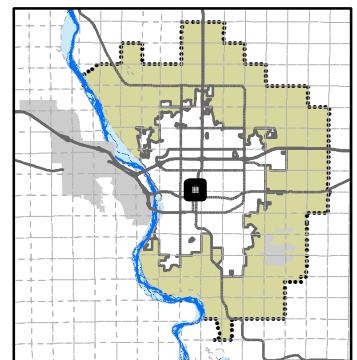
City Limits



Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck
Community Development Department
Planning Division
June 18, 2020



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Zoning and Plan Reference Map

ZC2020-007

Tract 500 of Blocks 27 and 38, and Lots 3, 4 and the North 20 feet of Lot 5, and Lots 9 and 10, Block 38, Northern Pacific Second Addition

Project Area - No Change Proposed

Zoning or Plan Change Proposed

Zoning Districts

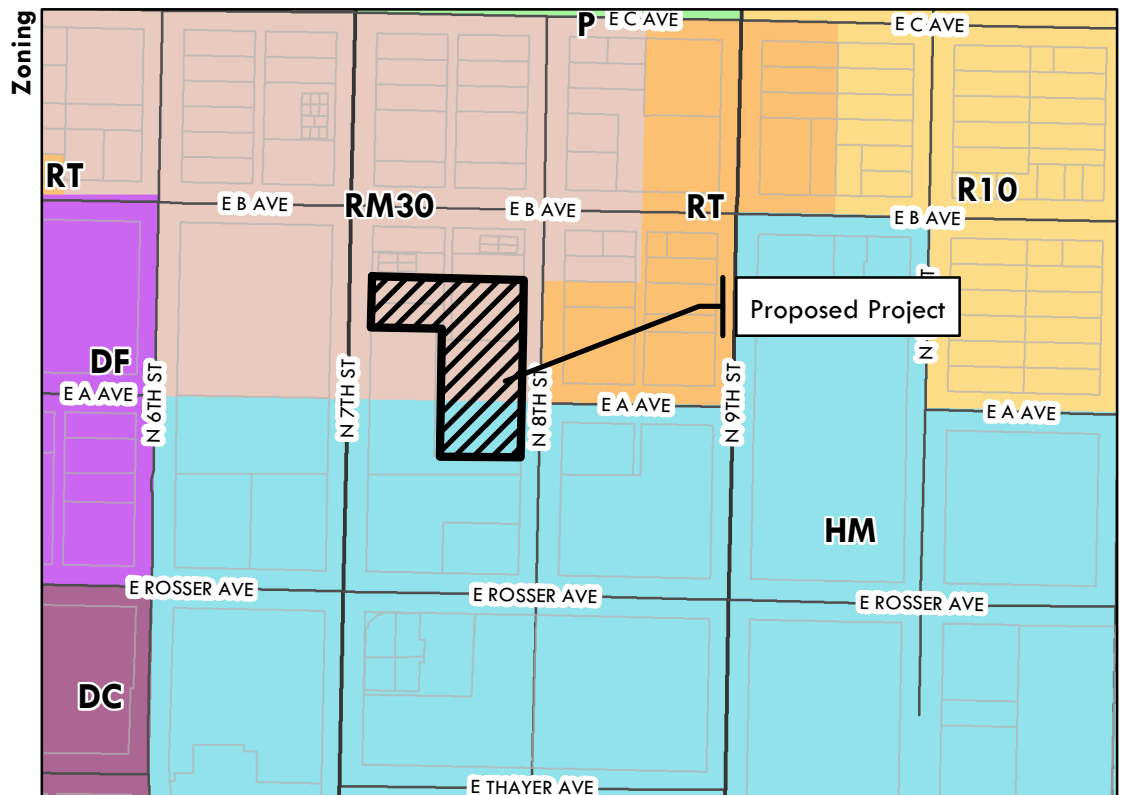
A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Diagonal lines indicate special condition

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan



0 0.05 0.1 0.2 Miles

City Limits

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City of Bismarck
Community Development Dept.
Planning Division
June 18, 2020



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 5

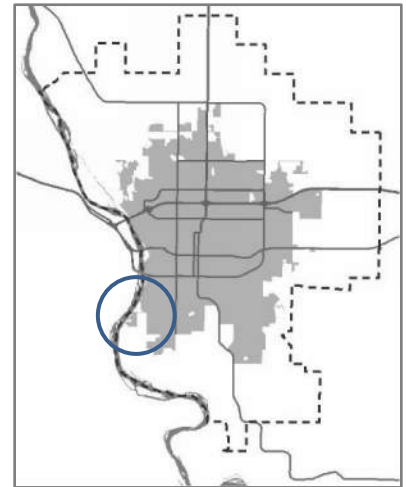
June 24, 2020

Application for: Annexation

TRAKiT Project ID: ANNX2020-006

Project Summary

Title:	North 223 feet of Lot 1, Block 3, Timberlane Place Second Subdivision
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	John Lies
Project Contact:	John Lies
Location:	Southwest of Bismarck, south of Riverwood Drive/Mills Avenue and east of Traynor Lane
Project Size:	1.79 acres
Request:	Annex property to allow connection of existing rural residence to municipal water and sanitary sewer services



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	Part of 1 lot	Number of Lots:	Part of 1 lot
Land Use:	Rural Residential	Land Use:	Urban Residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	RR – Residential	Zoning:	RR – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	Uses Allowed:	RR – Large lot single-family residential and limited agriculture
Max Density Allowed:	RR – 1 unit per 65,000 square feet	Max Density Allowed:	RR – 1 unit per 65,000 square feet

Property History

Zoned:	12/1976	Platted:	03/1978	Annexed:	N/A
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Staff Analysis

John Lies is requesting approval of the annexation of the North 223 feet of Lot 1, Block 3, Timberlane Place Second Addition. The annexation is being requested in order to obtain municipal water and sanitary sewer services for the existing owner-occupied residence on the property. The existing on-site sewage treatment system has failed and the applicant believes that connecting to municipal services would be his best option.

The property is immediately adjacent to the current corporate limits and service can be provided from municipal utilities in Riverwood Drive/Mills Avenue through the lot to the north (Lot 1A of Lot 1, Block 3, Southport), which is also owned by the applicant. It is the applicant's intent to combine this parcel with the lot to the north upon annexation of this parcel. A zoning change to bring this parcel and the parcel to the north into the same zoning district will be required prior to combining the lots, but is complicated by the fact that the northern parcel is within the Southport PUD.

The property owner will be responsible for designing and constructing suitable connection to existing water and sewer service stubs located in Riverwood Drive.

Utility Capital Charges

The annexation of an existing lot to the City of Bismarck is subject to utility capital charges for municipal utilities. If the lots are not combined as proposed, the annexation of this lot would be subject to utility capital charges, which would be due prior recordation of the annexation ordinance.

Required Findings of Fact (relating to land use)

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of the North 223 feet of Lot 1, Block 3, Timberlane Place Second Subdivision.

Attachments

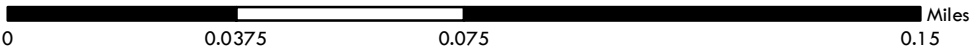
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov



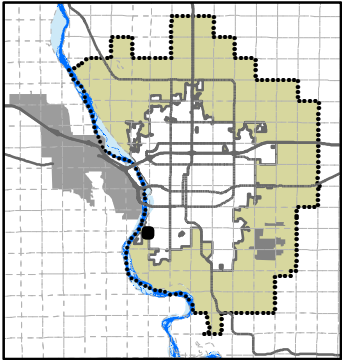
Location Map

North 223 feet of Lot 1, Block 3, Timberlane Second Addition



- City Limits
- Bismarck ETA Jurisdiction
- County Outside ETA

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
June 16, 2020 (Klee)

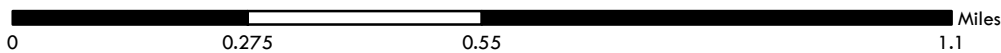
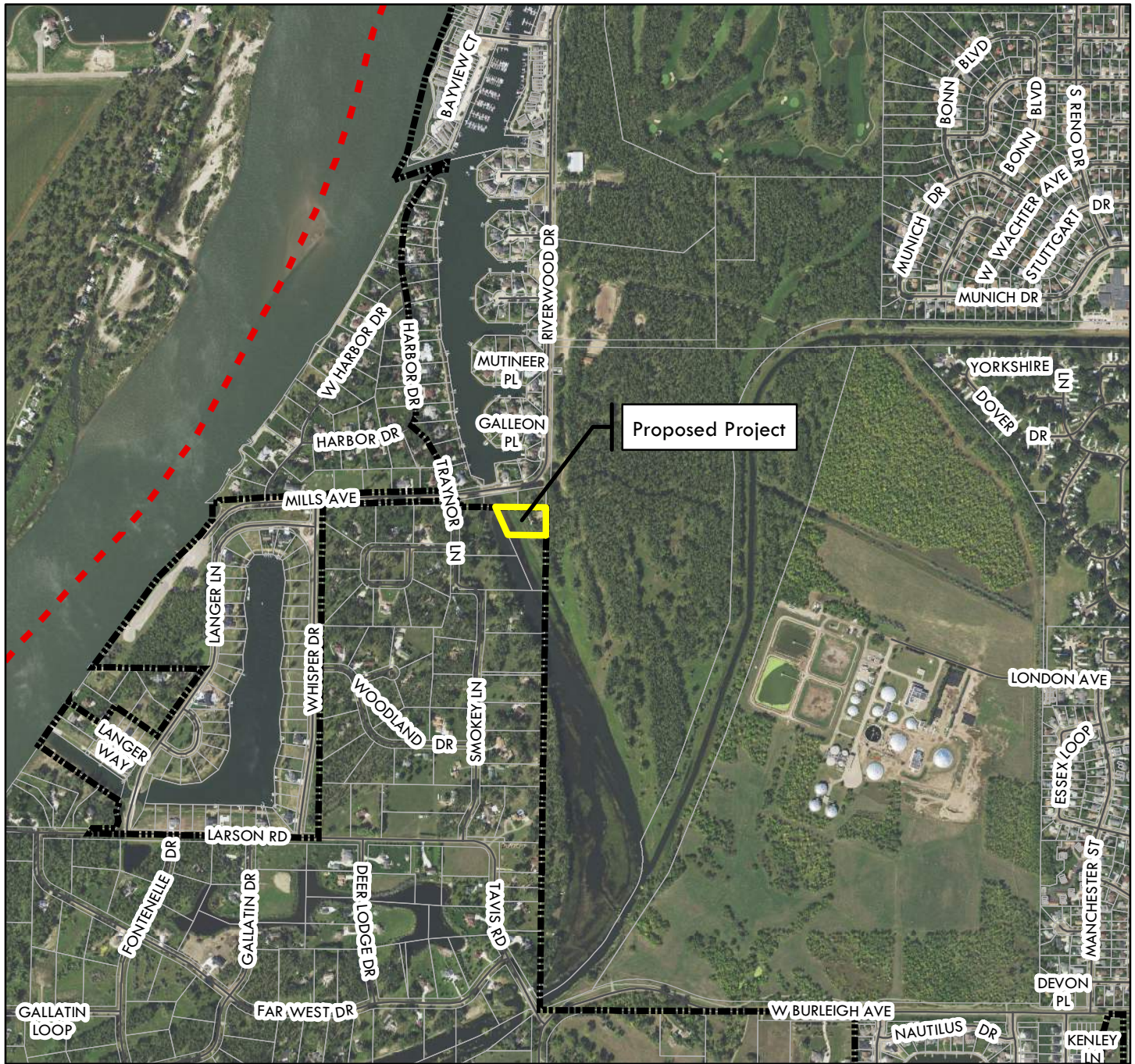
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.



Aerial Map

ANNX2020-006

North 223 feet of Lot 1, Block 3, Timberlane Place Second Subdivision



 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck
Community Development Department
Planning Division
June 18, 2020



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Zoning and Plan Reference Map

ANNX2020-006

North 223 feet of Lot 1, Block 3, Timberlane Place Second Subdivision

-  Project Area - No Change Proposed
-  Zoning or Plan Change Proposed

Zoning Districts

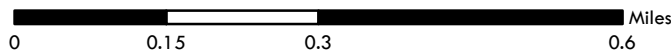
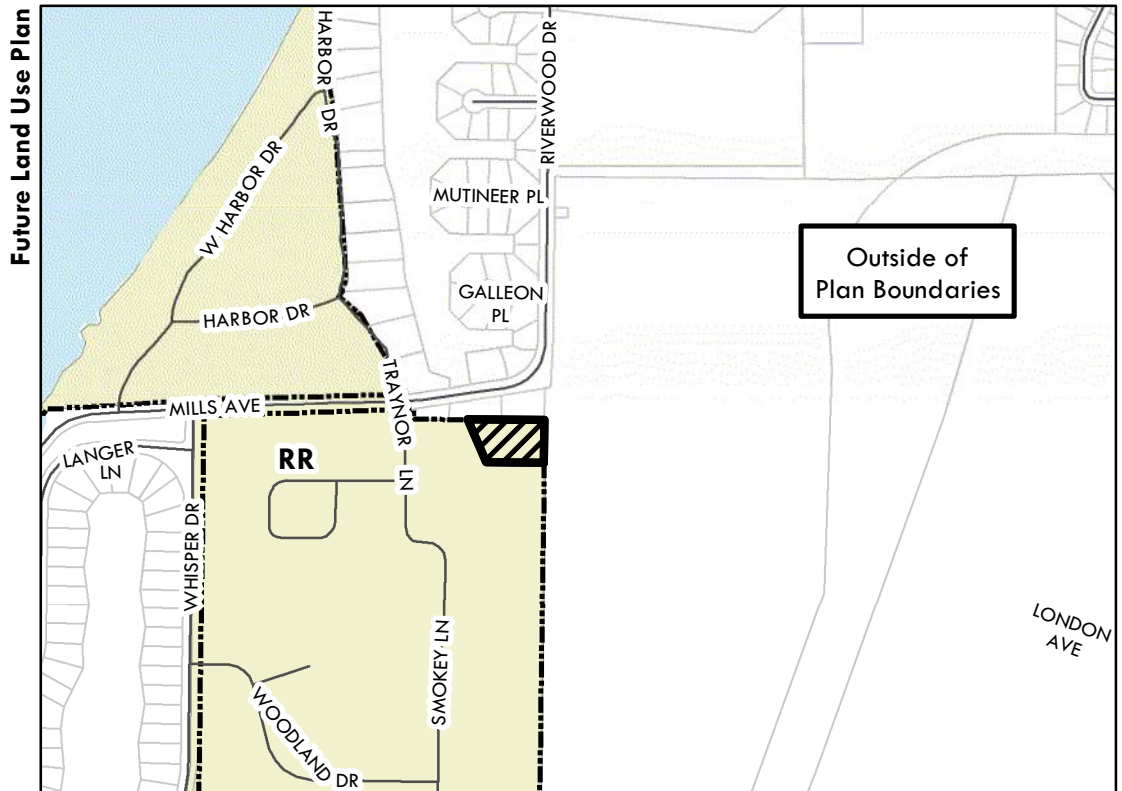
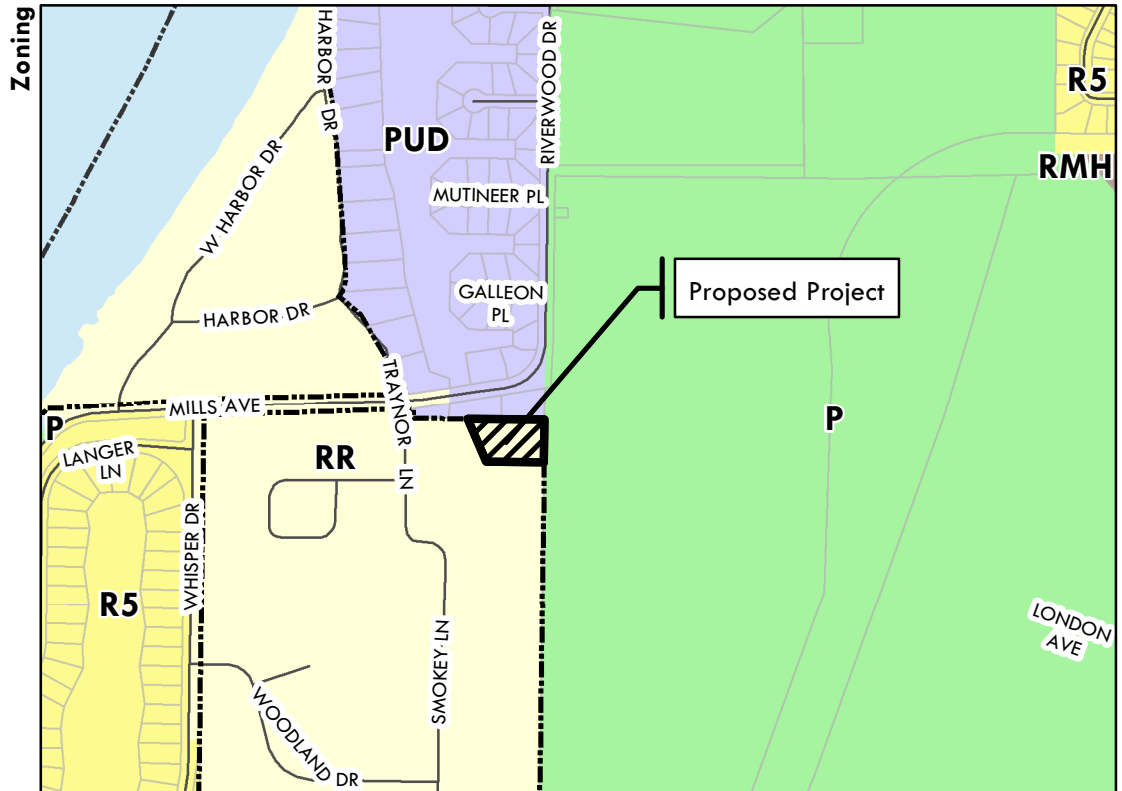
A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Diagonal lines indicate special condition

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
June 18, 2020



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 6

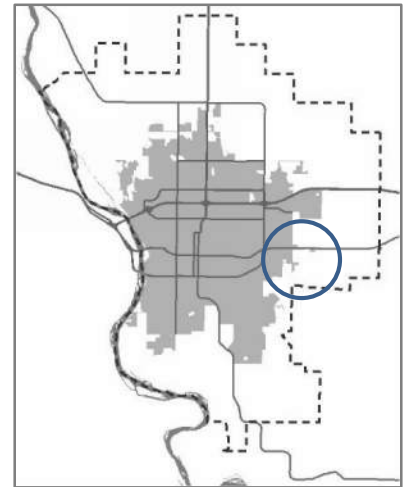
June 24, 2020

Application for: Major Subdivision Final Plat

TRAKiT Project ID: FPLT2020-007

Project Summary

Title:	First Responders Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	161 Commercial, LLC
Project Contact:	Harvey Schneider, PE, Toman Engineering
Location:	In east Bismarck, between East Main Avenue / County Highway 10 and Apple Creek Road, along the west side of 52 nd Street SE (part of Auditor's Lot 6 of the E½, and part of Lot 7B of Auditor's Lot 7 of the SE¼ of Section 1, T138N-R80W/City Lands)
Project Size:	4.65 acres
Request:	Plat property for future light industrial development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 parcels	Number of Lots:	1 lot in 1 block
Land Use:	Undeveloped	Land Use:	Light Industrial
Designated GMP	Already zoned. Not in Future Land Use Plan	Designated GMP	Already zoned. Not in Future Land Use Plan
Future Land Use:		Future Land Use:	
Zoning:	Conditional MA – Industrial	Zoning:	Conditional MA – Industrial
Uses Allowed:	Conditional MA – Light industrial, general commercial, warehouses, manufacturing and shop condos with additional design and aesthetic standards	Uses Allowed:	Conditional MA – Light industrial, general commercial, warehouses, manufacturing and shop condos with additional design and aesthetic standards
Max Density Allowed:	Conditional MA – N/A	Max Density Allowed:	Conditional MA – N/A

(continued)

Property History

Zoned:	07/2016 (northern portion) 03/2017 (southern portion)	Platted:	N/A	Annexed:	07/2019
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Staff Analysis

161 Commercial, LLC is requesting approval of a major subdivision final plat for First Responders Addition. Approval of the proposed plat would allow for the future development of the one lot plat.

The proposed plat is located within cooperate limits and is zoned Conditional MA – Industrial, which allows certain light industrial uses with additional requirements for building design and a landscape buffer along the eastern edge of the plat.

The Planning and Zoning Commission considered this request at their meeting of April 22, 2020 and tentatively approved the preliminary plat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 12th and June 19th and 42 letters were mailed to the owners of nearby properties on June 12th.

The proposed plat would be accessed from the south via Midwest Drive, which would be constructed along the southern boundary of this plat in conjunction with site development. The proposed plat also includes a 50-foot landscape buffer along the west side of 52nd Street SE, which will be installed in conjunction with site development.

Adjacent uses include developing light industrial property to the north and undeveloped light industrial property to the west and south, and existing rural residential and developing urban residential to the east across 52nd Street SE.

Utility Capital Charges

The creation of any new lots in the City of Bismarck is subject to utility capital charges for municipal utilities. As this property is already zoned and annexed, the Public Works Department – Utility Operations Division

has determined that utility capital charges will be due at the time petitions are submitted for street improvements for Midwest Drive.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a major subdivision final plat have been met;
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PSCSMP) with the following conditions: 1) the two proposed ponds outside of the plat are temporary as a permanent area-wide stormwater management system is being planned to include the proposed plat and all unplatted properties adjacent to the plat; and 2) two offsite stormwater and drainage easements are provided and approved by the City Commission and recorded with the Burleigh County Recorder prior to the recordation of final plat;
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and,
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the major subdivision final plat for First Responders Addition, with the understanding that required off-site stormwater and drainage easements

(continued)

are approved and recorded prior to recordation of the final plat.

Attachments

1. Location Map

2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Preliminary Plat

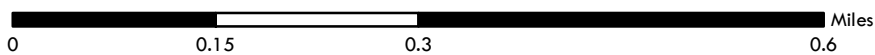
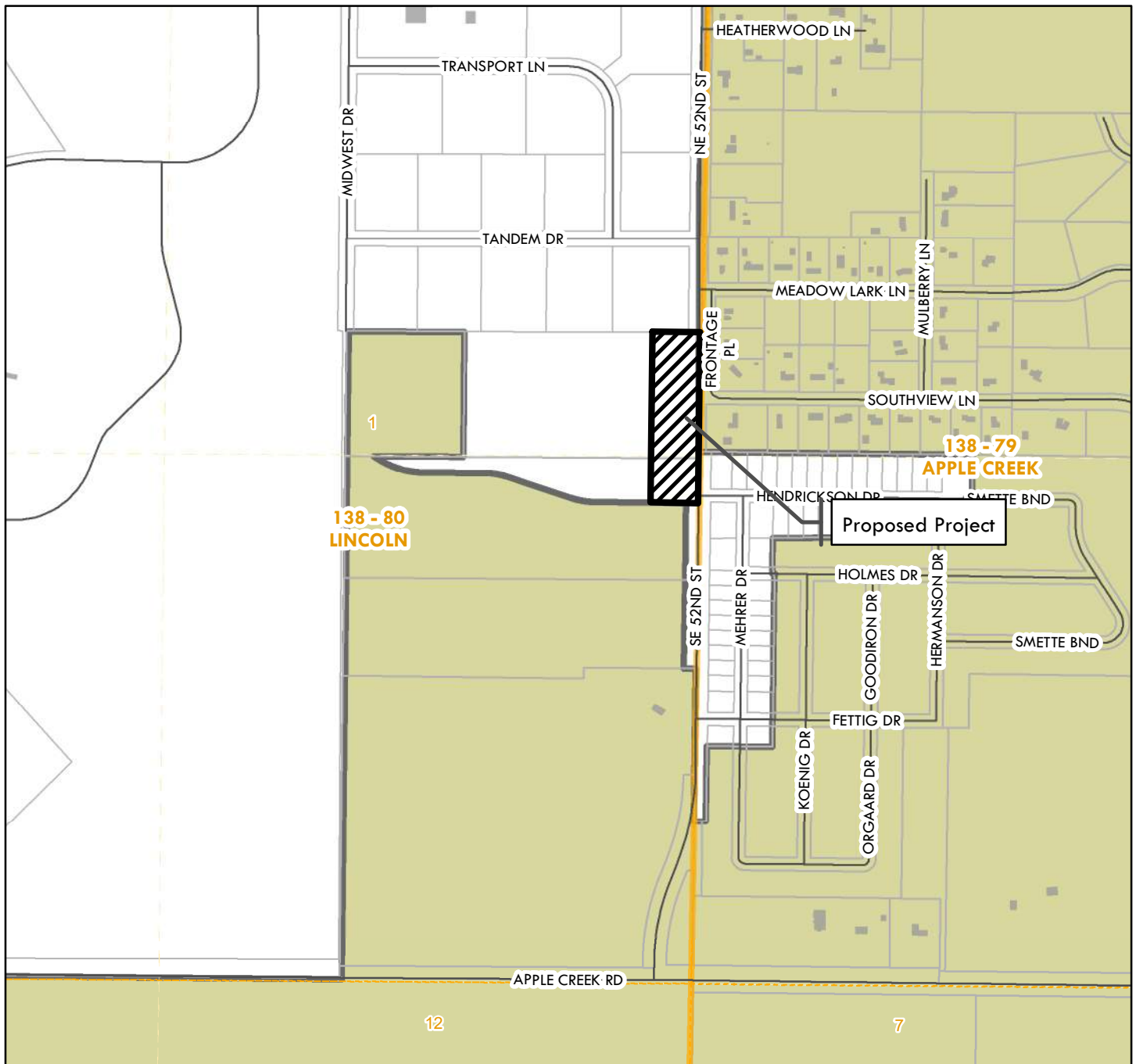
Staff report prepared by: Jenny Wollmuth, AICP, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov



Location Map

First Responders Addition

PPLT2020-003
FPLT2020-007

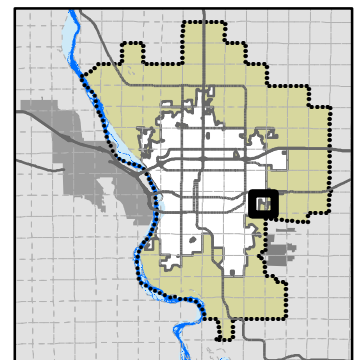


- City Limits
- Bismarck ETA Jurisdiction
- County Outside ETA

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
March 20, 2020 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

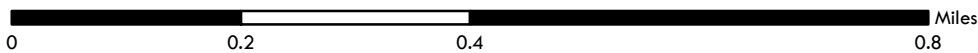
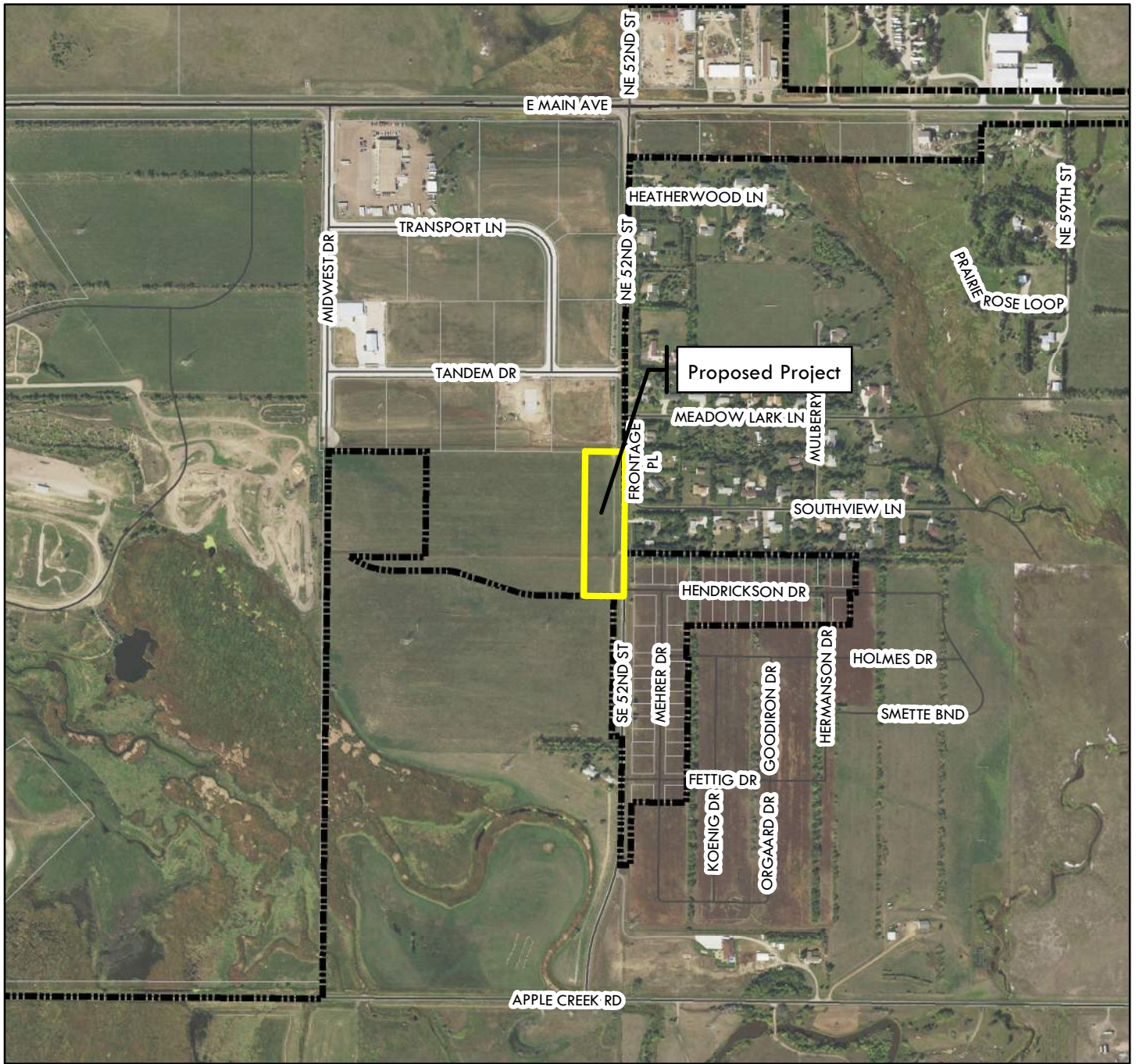




Aerial Map

First Responders Addition

PPLT2020-003
FPLT2020-007

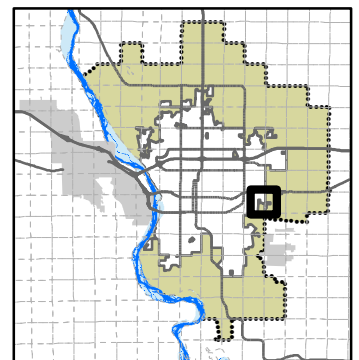


 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck
Community Development Department
Planning Division
April 7, 2020

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





Zoning and Plan Reference Map

First Responders Addition

PPLT2020-003

FPLT2020-007

Project Area - No Change Proposed

Zoning or Plan Change Proposed

Zoning Districts

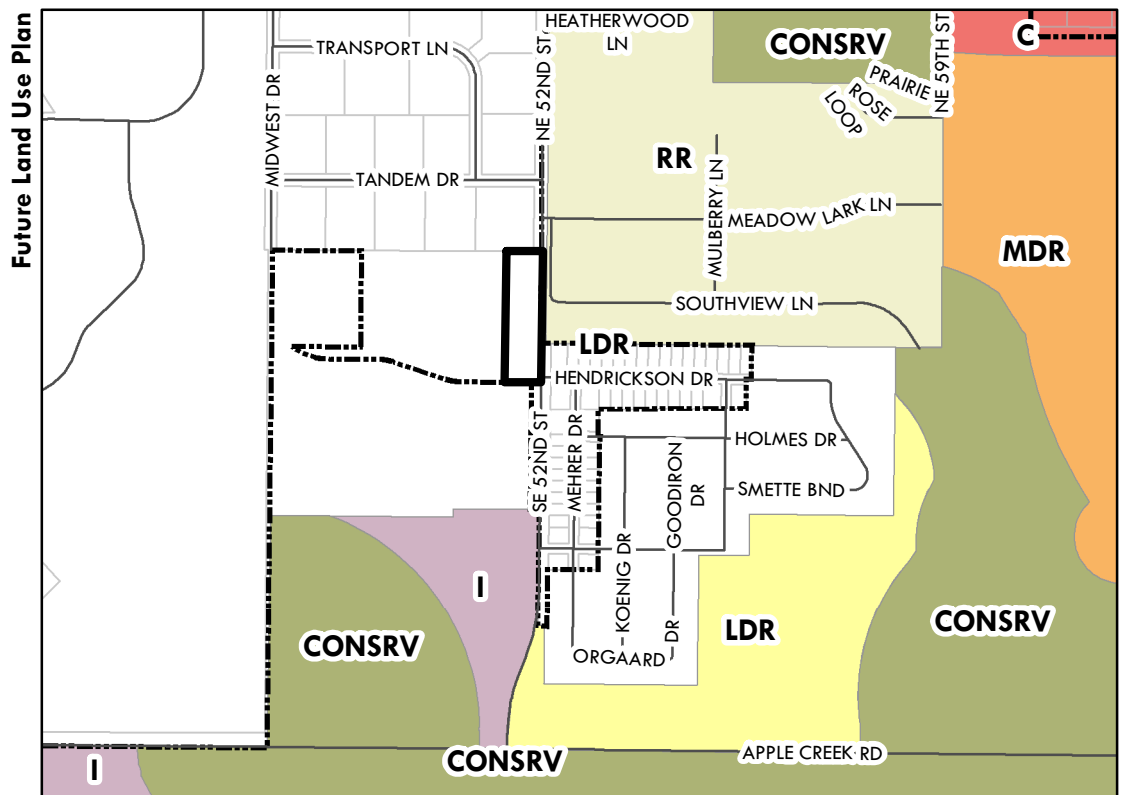
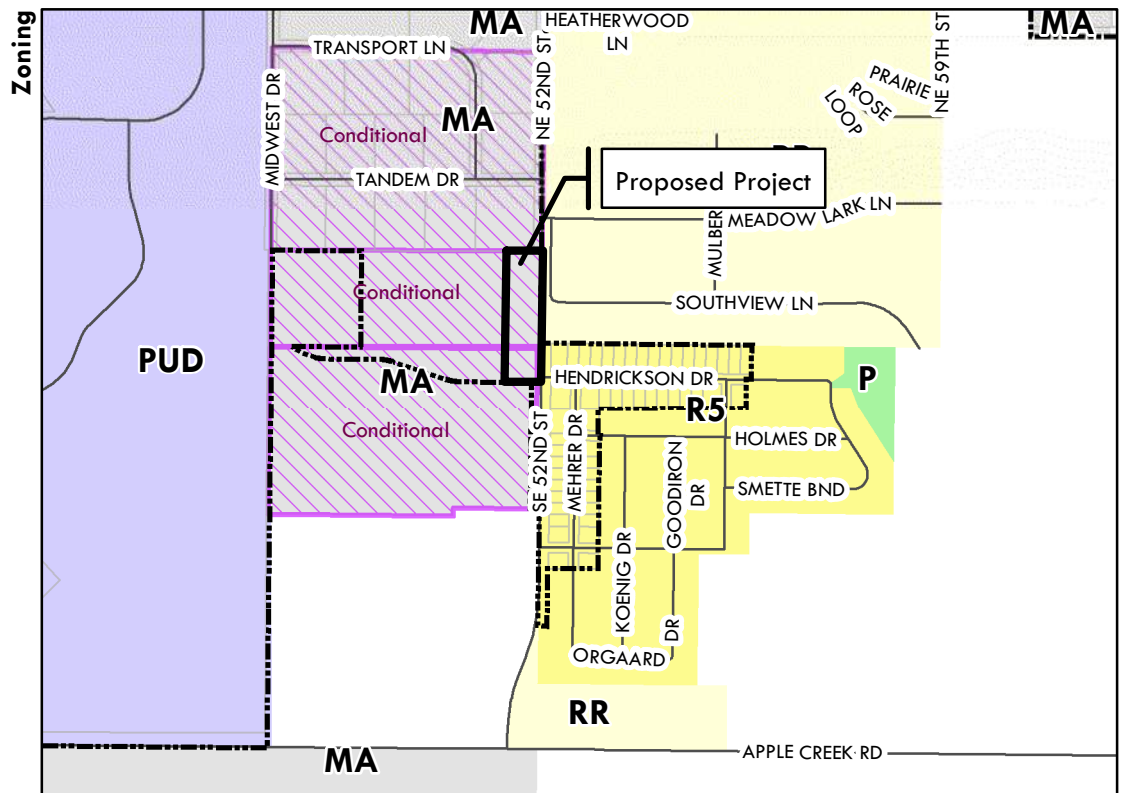
A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily (Offices)
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Diagonal lines indicate special condition

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan



0 0.175 0.35 0.7 Miles

City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
April 7, 2020

PART OF AUDITOR'S LOT 6A OF AUDITOR'S LOT 6 OF THE E1/2, PART OF LOT 7B OF AUDITOR'S LOT 7 OF THE SE1/4, AND PART OF 52ND ST SE OF SECTION 1, T138N-R80W OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



A TRACT OF LAND BEING A PART OF AUDITOR'S LOT 6A OF AUDITOR'S LOT 6 OF THE E1/2, PART OF LOT 7B OF AUDITOR'S LOT 7, AND PART OF 52ND ST SE OF THE SE1/4 OF SECTION 1, TOWNSHIP 138 NORTH RANGE 80 WEST OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SE1/4 OF SECTION 1, T138N-R8W; THENCE SOUTH 00°44'45" WEST ALONG THE EAST BOUNDARY LINE OF SA#1414; FOR 258.46 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF LOT 7A OF AUDITOR'S LOT 6 OF SA#1414 AND EXTENDED EASTERLY; THENCE NORTH 89° 19'15" WEST ALONG SA#1414 AND THE NORTH BOUNDARY LINE OF SA#1414; THENCE NORTH 00°39'56" EAST FOR 852.65 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF AUDITOR'S LOT 6A OF AUDITOR'S LOT 6 OF THE E1/2 OF SA#1 SECTION 1; THENCE NORTH 89°43'51" EAST ALONG SA#1414 NORTH BOUNDARY LINE FOR 237.01 FEET TO THE POINT OF BEGINNING. SA#1414 CONTAINS 2.02 ACRES OF LAND; SA#1: THENCE SOUTH 00°38'33" WEST ALONG SA#1414 EAST BOUNDARY LINE FOR 596.17 FEET TO THE POINT OF BEGINNING. SA#1 TRACT OF LAND CONTAINING 202.402 SQ FT OR 4.65 ACRES. MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, ANDRA L. MARQUARDT, HEREBY CERTIFY I AM A LICENSED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN. THAT ALL MONUMENTS, AND MARKS SET, TOGETHER WITH THOSE FOUND, ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN THEREON, AND ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

ANDRA L. MARQUARDT, RLS 4623

OWNER'S CERTIFICATE AND DEDICATION

WE OF 161 COMMERCIAL LLC, BEING THE OWNERS OF THE LANDS PLATTED HEREIN,
DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED
"FIRST RESPONDERS ADDITION", AND DEDICATE ALL RIGHTS OF WAY TO THE CITY
OF BISMARCK AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY
ACCESS CONTROL TO THE PROPERTY AS SHOWN.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "UTILITY EASEMENTS" TO RUN WITH THE LAND FOR PUBLIC AND PRIVATE UTILITIES OR SERVICES ON, ACROSS, ABOVE OR UNDER THOSE CERTAIN STRIPS OF LAND.

WE FURTHER GRANT ANY OTHER EASEMENTS OR SERVITUDES AS SHOWN AND AND THOSE THAT ARE RECORDED BUT NOT SHOWN.

MATT GEIGER
MANAGING PARTNER
161 COMMERCIAL LLC

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF _____, 2020.

_____, NOTARY PUBLIC
COUNTY, _____
MY COMMISSION EXPIRES: _____

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE
PLANNING COMMISSION OF THE CITY OF BISMARCK ON THE ____ DAY OF
_____, 2020, IN ACCORDANCE WITH THE LAWS OF THE STATE OF
NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS ACCEPTED THE DEDICATION OF ALL RIGHTS OF WAY AND PUBLIC EASEMENTS SHOWN THEREON, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK,
NORTH DAKOTA, WAS APPROVED THE ____ DAY OF _____, 2020.

ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER FOR THE CITY OF BISMARCK, NORTH DAKOTA HEREBY APPROVES THIS PLAT THIS ____ DAY OF _____, 2020.

GABRIEL J. SCHELL - CITY ENGINEER

OWNER:
161 COMMERCIAL LLC
408 E. MAIN AVE
BISMARCK, ND 58501

BASIS OF BEARING:
EAST BOUNDARY NE1/4 SEC. 1: SOUTH 00° 38' 33" WEST
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
(NAD83 SOUTH ZONE [1986 ADJUSTMENT]). UNITS ARE
IN INTERNATIONAL FEET.

NOTES

1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT
2. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
3. BENCHMARK: BSC BASE STATION, ELEV: 1881.60
4. TOTAL LOT ACREAGE: 3.36
5. TOTAL ROW ACREAGE: 1.50
6. TOTAL ACREAGE: 4.65
7. TOTAL ACREAGE IN NE1/4: 3.24
8. TOTAL ACREAGE IN SE1/4: 1.41
9. LOT 1 ACREAGE IN NE1/4: 2.42
10. LOT 1 ACREAGE IN SE1/4: 0.72

PART OF AUDITOR'S LOT 6 OF THE E1/2 AND PART OF LOT 7B OF AUDITOR'S LOT 7 OF THE SE1/4 OF SECTION 1,
T138N-R80W OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item #7

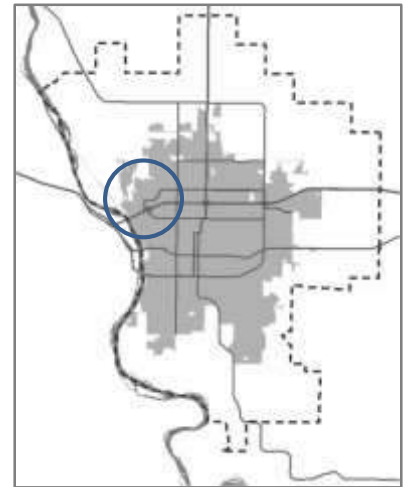
June 24, 2020

Application for: Zoning Change

TRAKiT Project ID: ZC2020-004

Project Summary

Title:	Parts of S½ of Section 19 & the N½ of Section 30, T139N-R80W/Hay Creek Township & City Lands
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Clairmont Family Trust
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In northwest Bismarck, north of Burnt Boat Drive and between Clairmont Road and Tyler Parkway
Project Size:	100.73 Acres
Request:	Rezone an area to P-Public for future use as park and conservation area



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	13 parcels	Number of Lots:	13 parcels
Land Use:	Undeveloped	Land Use:	Park and Conservation Area
Designated GMP	Conservation	Designated GMP	Conservation
Future Land Use:		Future Land Use:	
Zoning:	A – Agricultural R5 – Residential R10 – Residential RM30 – Residential RT – Residential	Zoning:	P – Public Use
Uses Allowed:	A – Agriculture R5 – Single-family residential R10 – Single and two-family residential RM30 – Multi-family residential RT – Offices and multi-family residential	Uses Allowed:	P – Parks, open space, stormwater facilities, and other public uses
Max Density Allowed:	A – 1 unit / 40 acres R5 – 5 units / acre R10 – 10 units / acre RM30 – 30 units / acre RT – 30 units / acre	Max Density Allowed:	P – N/A

Property History

Zoned:	02/1985 (RT and RM30) 05/1996 (R5) 01/1999 (A) 04/1999 (R5) 11/1999 (R10)	Platted:	02/1985 (Country West V)	Annexed:	Pre-1980 (part)
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Staff Analysis

The Clairmont Family Trust is requesting approval of a zoning change from the A – Agricultural, R5 – Residential, R10 – Residential, RM30 – Residential and RT - Residential zoning districts to the P – Public zoning district for parts of the S½ of Section 19 and the N½ of Section 30, T139N-R80W/Hay Creek Township and City Lands, as shown on the attached location map.

The Planning and Zoning Commission considered this request at their meeting of May 27, 2020 and called for a public hearing on this zoning change.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 12th and June 19th, and 167 letters were mailed to the owners of nearby properties on June 12th.

The proposed final use of this land is a park and conservation area. After rezoning, the property would be transferred to another party for installation and dedication of this use.

Adjacent uses include single and two-family residential to the north, east, and west, and commercial and office uses to the south and southeast. The area proposed for rezoning is all low-lying land within Tyler Coulee.

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies the majority of this area as Conservation. This request for rezoning conforms to the Future Land Use Plan.

The southeast part of this area has been annexed, but the northern majority of the land has not. The entire area is surrounded by city limits. It is anticipated that a future owner will seek to combine the land with a plat and annexation prior to final disposition of the land.

The southern portion of this area had been zoned and annexed for residential use, but was detached from the

city limits and rezoned back to the A – Agricultural zoning district in 1999.

Required Findings of Fact (relating to land use)

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the A –

(continued)

Agricultural, R5 – Residential, R10 – Residential, RM30 – Residential and RT – Residential zoning districts to the P – Public zoning district for parts of the S½ of Section 19 and the S½ of Section 30, T139N-R80W/Hay Creek Township and City Lands, as shown on the attached location map.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map

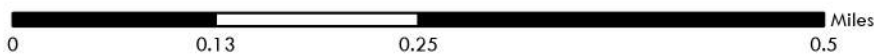
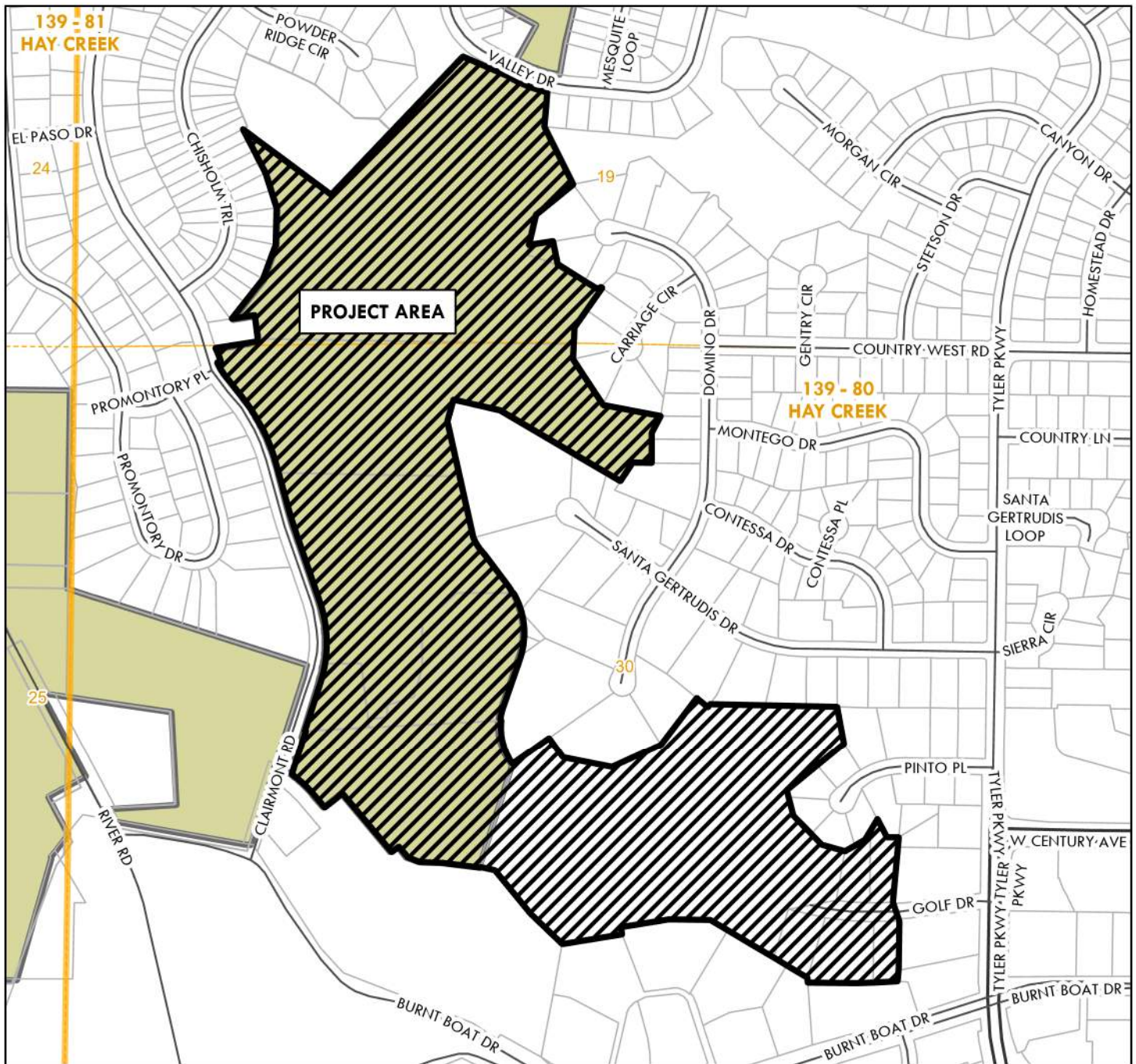
Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov




Location Map

HAY CREEK TOWNSHIP, PT SEC 19 & 30

ZC2020-004



 City Limits

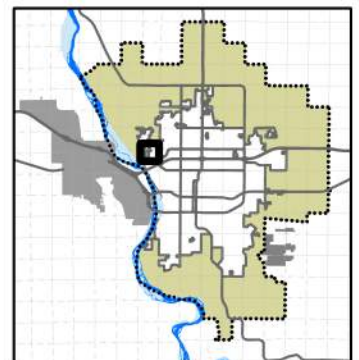
 County Outside ETA

 Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange

City of Bismarck
Community Development Department
Planning Division
April 28, 2020 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





Aerial Map

HAY CREEK TOWNSHIP, PT SEC 19 & 30

ZC2020-004



0 0.15 0.3 0.6 Miles

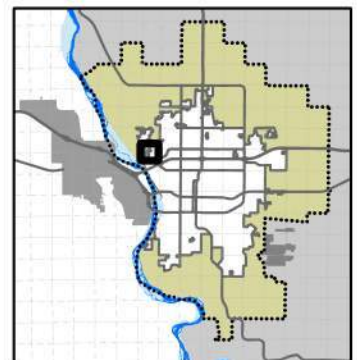
 City Limits  Bismarck ETA Jurisdiction



Aerial Imagery from 2019

City of Bismarck
Community Development Department
Planning Division
May 18, 2020

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.





Zoning and Plan Reference Map

HAY CREEK TOWNSHIP, PT SEC 19 & 30

ZC2020-004

Zoning Districts

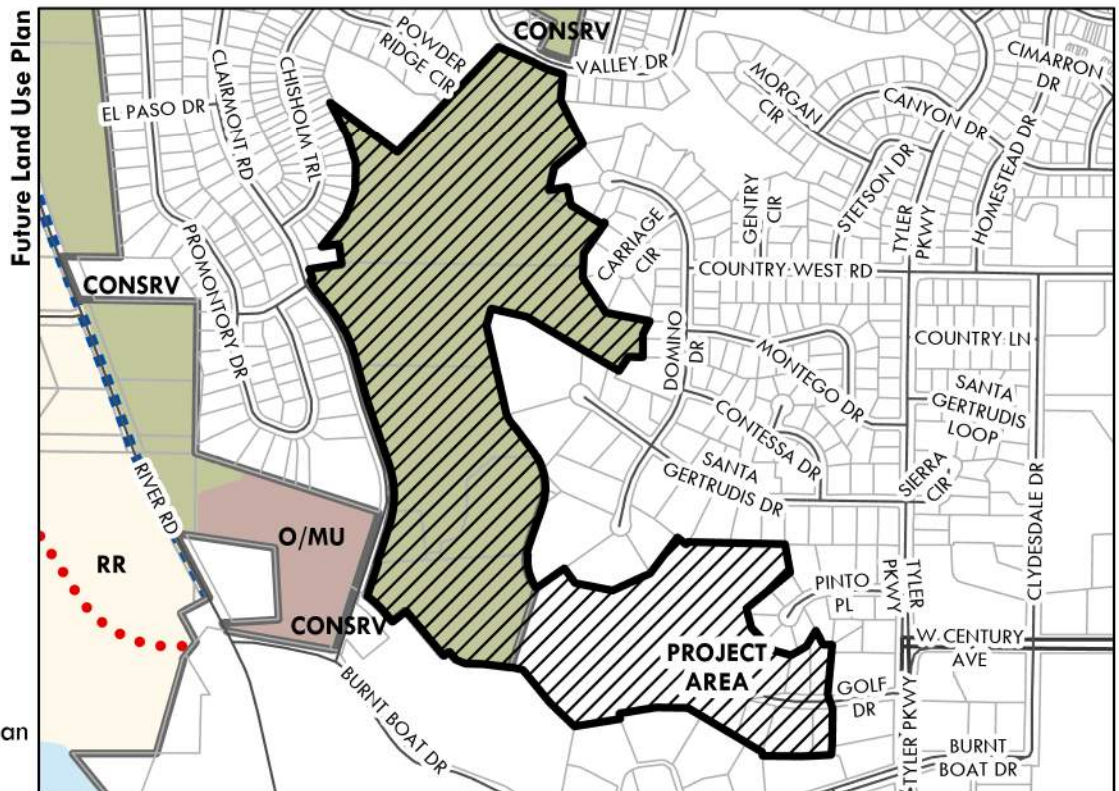
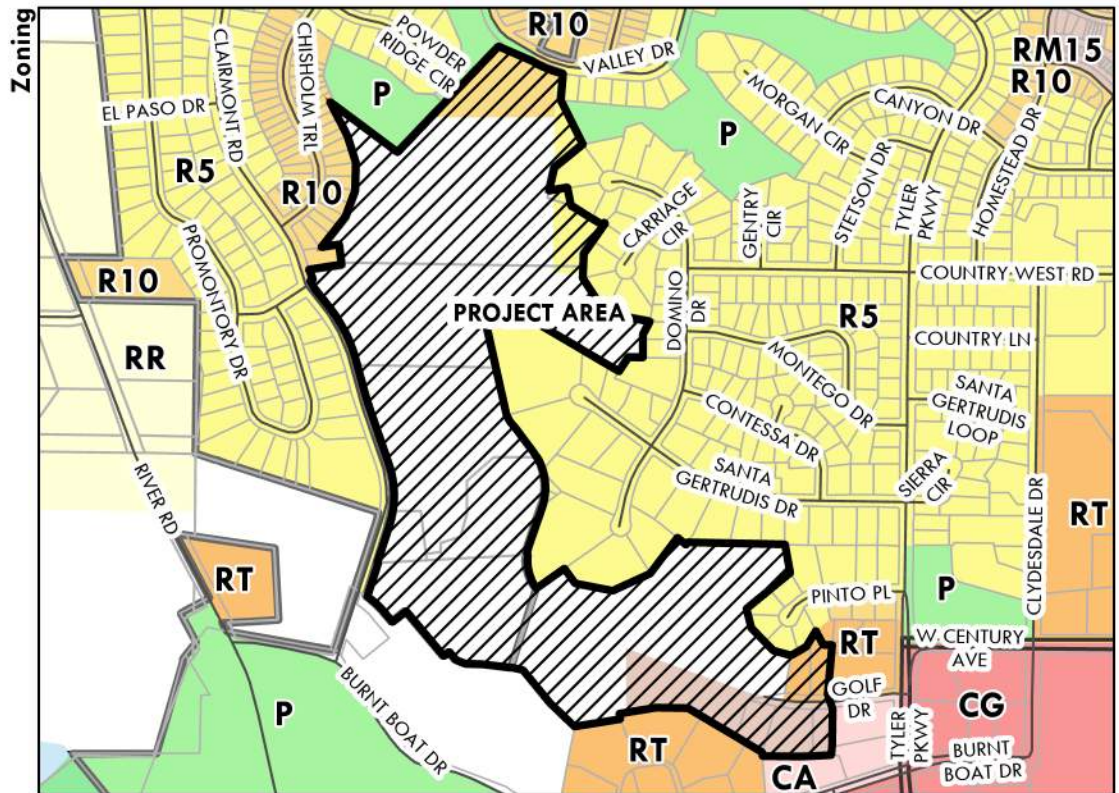
A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- • • Future Arterial Road
- ■ ■ Future Collector Road



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City of Bismarck
Community Development Dept.
Planning Division
May 18, 2020





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item #8

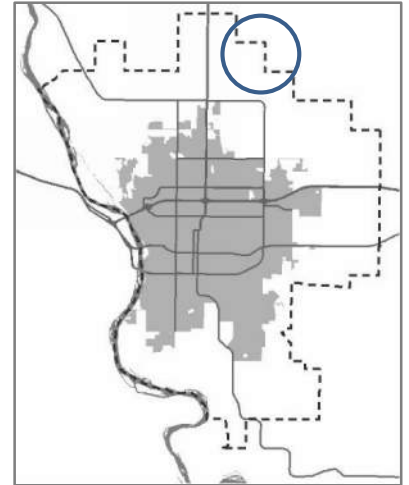
June 24, 2020

Application for: Special Use Permit

TRAKiT Project ID: SUP2020-007

Project Summary

Title:	Lot 8, Block 2, Prairie Pines First Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Corey Morlock
Project Contact:	Corey Morlock
Location:	North of Bismarck, south of 97 th Avenue NE and west of 41 st Street NE, along the east side of Cedar Lane (9421 Cedar Lane)
Project Size:	2.4 acres
Request:	Increase the area of accessory buildings to 3,200 square feet



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	Number of Lots:	1 lot in 1 block
Land Use:	Rural Residential	Land Use:	Rural Residential
Designated GMP Future Land Use:	Conventional Rural Residential	Designated GMP Future Land Use:	Conventional Rural Residential
Zoning:	RR – Residential	Zoning:	RR – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	Uses Allowed:	RR – Large lot single-family residential and limited agriculture
Max Density Allowed:	RR – 1 unit per 65,000 square feet	Max Density Allowed:	RR – 1 unit per 65,000 square feet

Property History

Zoned:	Pre-1980	Platted:	03/1999	Annexed:	N/A
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Staff Analysis

Corey Morlock is requesting approval of a special use permit to increase the area of accessory buildings on his property to 3,200 square feet by constructing a

3,000 square-foot accessory building and a 200 square-foot accessory building.

(continued)

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 12th and 19th and 43 letters were mailed to the owners of nearby properties on June 12th.

Adjacent uses include rural residential uses to the north, east across 41st Street NE, south and west across Cedar Lane.

Section 14-03-06(1)(b)(5) of the City Code of Ordinances (Accessory Uses and Buildings) states, “the allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with more than 65,000 square feet in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08 of the City Code of Ordinances (Special Uses).”

The parcel size for the proposed special use is 2.14 acres or 93,218 square feet and meets the criteria for a maximum allowable size all accessory buildings located on the property.

According to the site plan submitted by the applicant, the proposed accessory buildings would meet setback requirements for the RR – Residential zoning district and would meet the sidewall and building height requirements.

Required Findings of Fact (relating to land use)

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance

of the existing or intended character of the surrounding area;

4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic;
7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to increase the total area of accessory buildings to 3,200 square feet by constructing a 3,000 square-foot accessory building and a 200 square-foot accessory building on Lot 8, Block 2, Prairie Pines First Subdivision.

Attachments

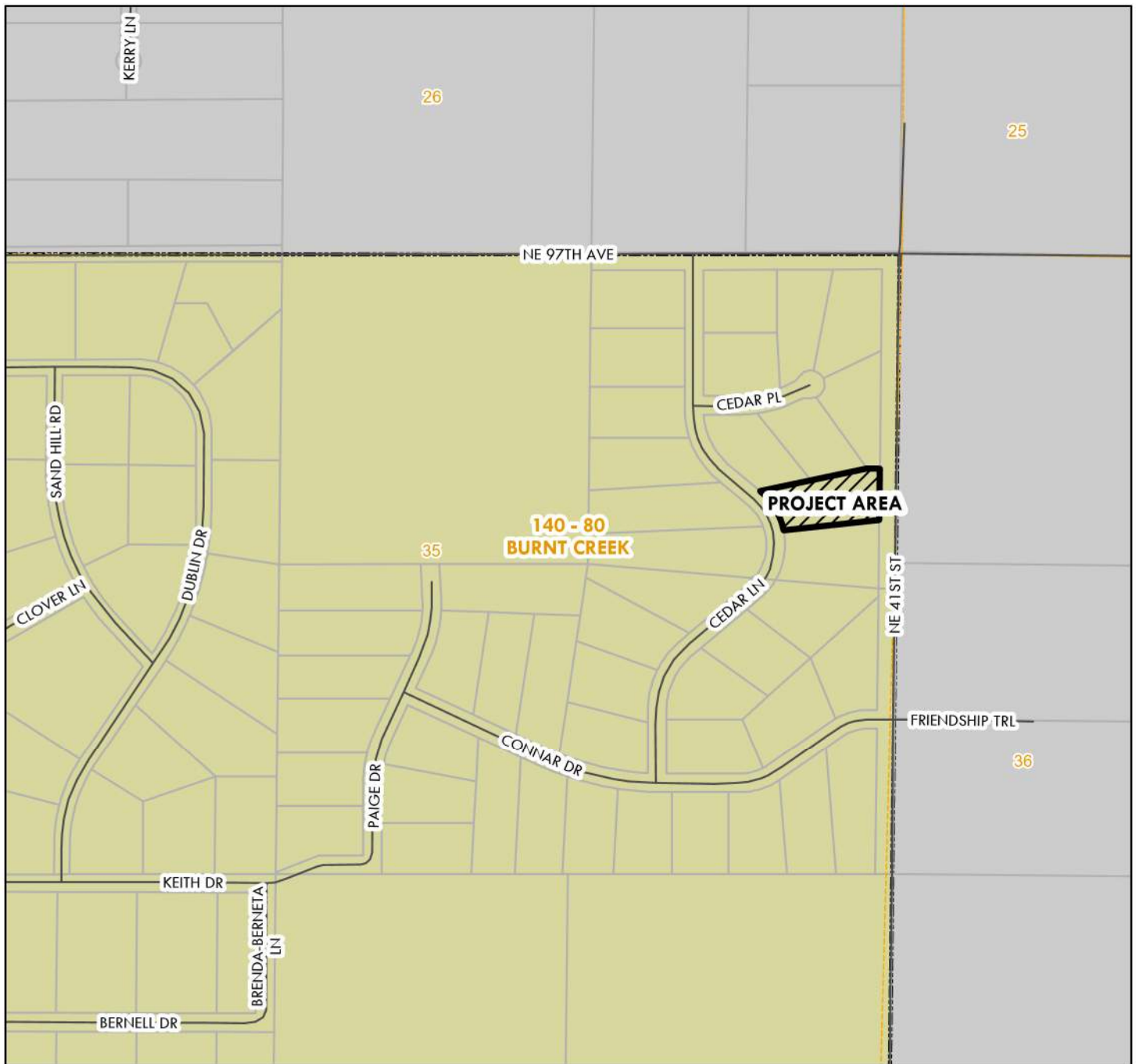
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Site Plan
5. Proposed Building Elevations
6. Proposed Building Floor Plan



Location Map

PRAIRIE PINES 1ST SUBDIVISION, L8, B2

SUP2020-007

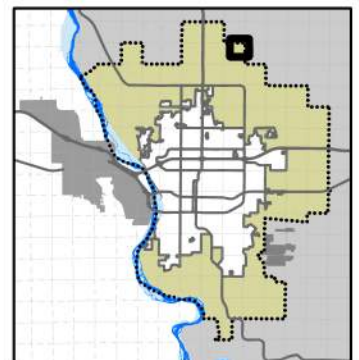


- Bismarck ETA Jurisdiction
- County Outside ETA

Section, township, and
range indicated in orange

City of Bismarck
Community Development Department
Planning Division
May 27, 2020 (HLB)

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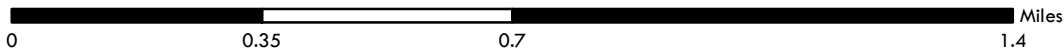
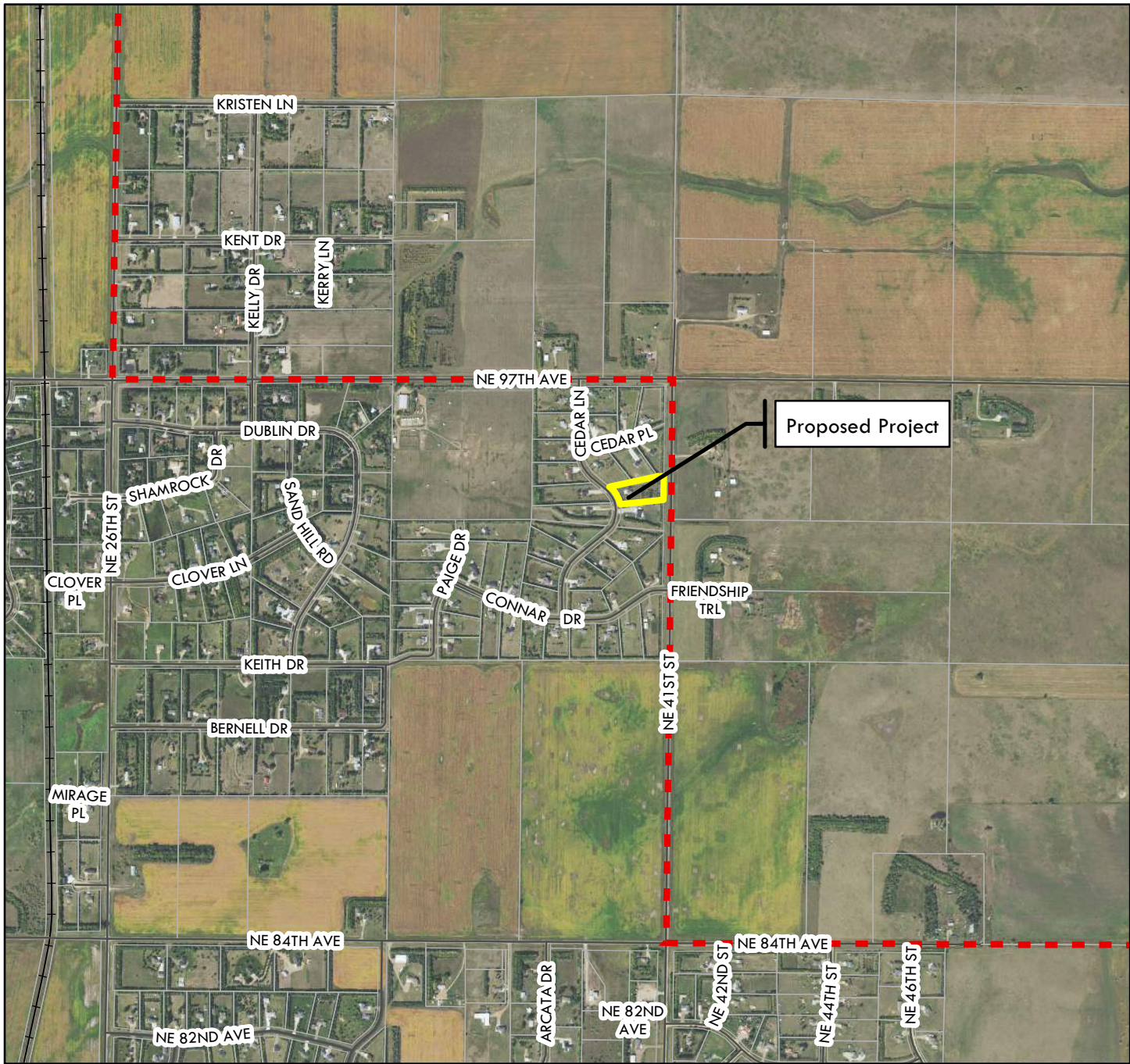




Aerial Map

SUP2020-007

Lot 8, Block 2, Prairie Pines 1st Subdivision

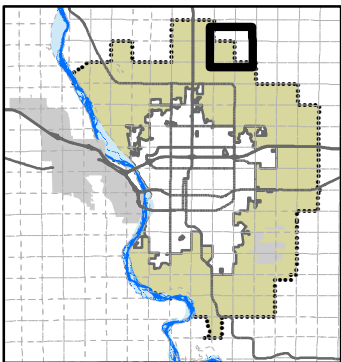


 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck
Community Development Department
Planning Division
June 18, 2020

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Zoning and Plan Reference Map

SUP2020-007

Lot 8, Block 2, Prairie Pines 1st Subdivision

-  Project Area - No Change Proposed
-  Zoning or Plan Change Proposed

Zoning Districts

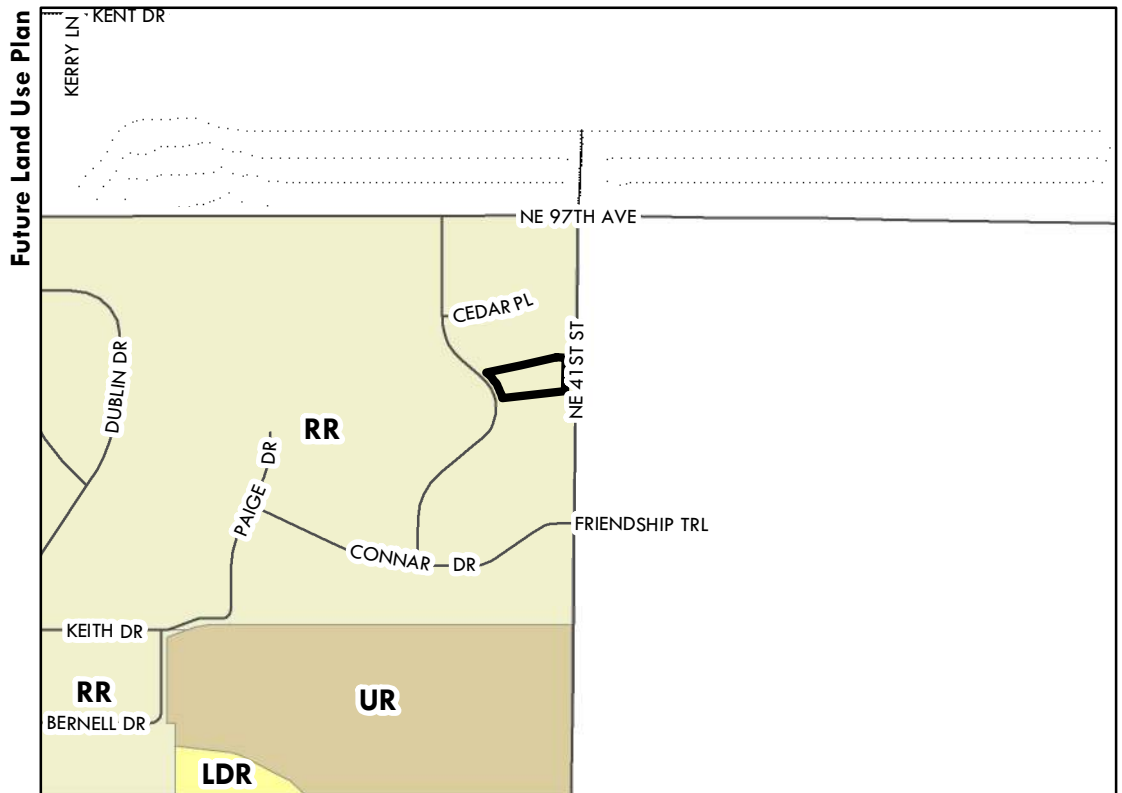
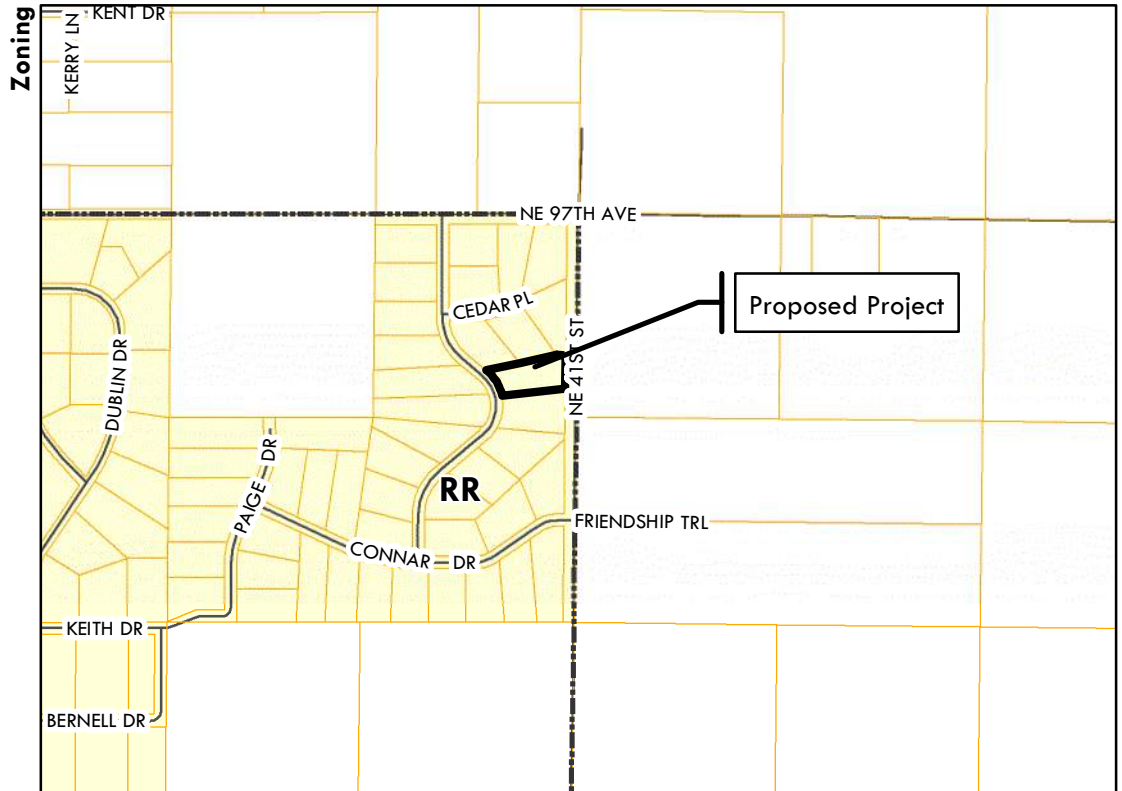
A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Diagonal lines indicate special condition

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan



0 0.175 0.35 0.7 Miles



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
June 18, 2020

Planning Data Viewer

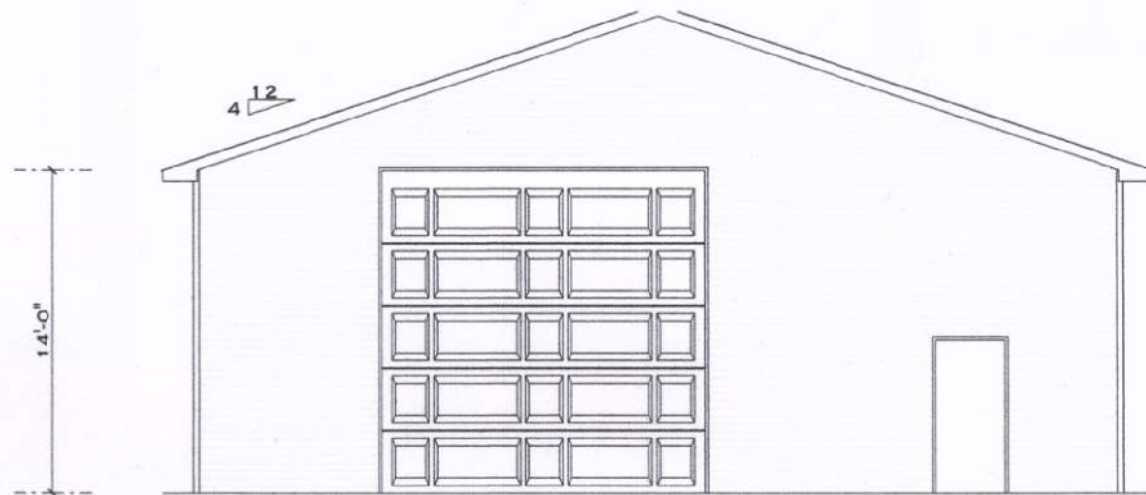


This map is for representational use only and does not represent a survey. No liability is assumed for the accuracy of the data delineated hereon.

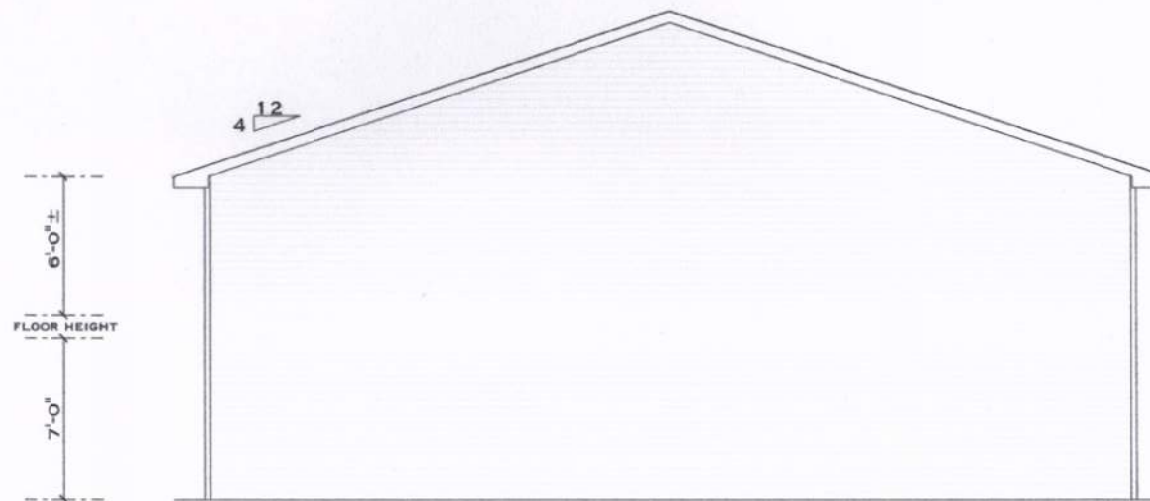
0 35 70 140 Feet

Date: September 2019

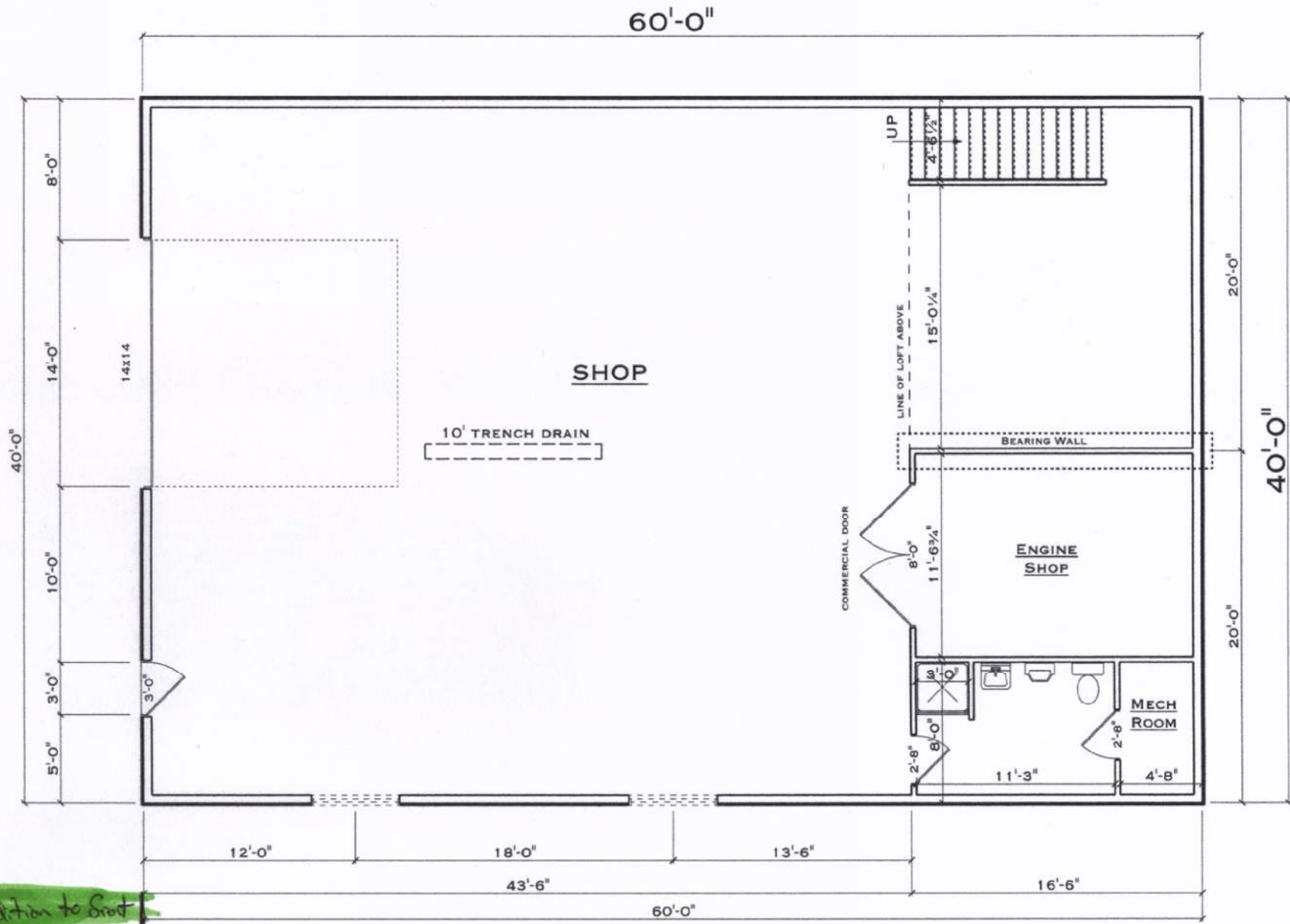




WEST ELEVATION



EAST ELEVATION



15' addition to front
is special use
permit accepted

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
May 27, 2020

The Bismarck Planning & Zoning Commission met on May 27, 2020, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Due to ongoing public health concerns related to COVID-19, the meeting was held via Zoom. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

Commissioners present were Steve Bakken, Brian Bitner, Vernon Laning, Paul Levchak, Gabe Schell, Wendy Van Duyne, Trent Wangen and Mike Schwartz

Commissioners Brian Eiseman and Kevin Martin were absent.

Staff members present were Ben Ehreth – Community Development Director, Kim Lee – Planning Manager, Will Hutchings – Planner, Daniel Nairn – Planner, Jenny Wollmuth – Planner, Hilary Balzum – Community Development Administrative Assistant and Jannelle Combs – City Attorney.

MINUTES

Chair Schwartz called for consideration of the minutes of the April 22, 2020 meeting.

Commissioner Laning said Tim Atkinson needs to be corrected to Tom Atkinson on the last page of the minutes.

Staff indicated those corrections would be made prior to the signing and publication of the minutes.

MOTION: Commissioner Bakken made a motion to approve the minutes of the May 27, 2020 meeting, with the noted correction. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

CONSIDERATION

A. PART OF SECTIONS 19 AND 30, T139N-R80W/HAY CREEK TOWNSHIP – ZONING CHANGE

Chair Schwartz called for consideration of the following consent agenda item:

A. Part of Sections 19 and 30, T139N-R80W/Hay Creek Township - Zoning Change

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to approve consent agenda item A calling for a public hearing

on the item as recommended by staff. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION HERITAGE RIDGE SECOND ADDITION

Chair Schwartz called for final consideration of the annexation of Heritage Ridge Second Addition, except for the 15th Street NW right-of-way along the western edge of the plat. The property is located in northwest Bismarck, north of 57th Avenue NW and east of 15th Street NW (part of the SW¼ of Section 8, T139N-R80W/Hay Creek Township).

Mr. Nairn gave an overview of the request, including the following findings related to land use for the annexation:

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed.
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Mr. Nairn said based on the above findings, staff recommends approval of the annexation of Heritage Ridge Second Addition, except for the 15th Street NW right-of-way along the western edge of the plat.

Commissioner Bitner asked why the right-of-way of 15th Street NW is being left out of the annexation request. He said he was asked by a citizen why that is and he is not clear.

Mr. Nairn said it was omitted at the request of staff in order to align with the annexation of Heritage Ridge Addition, which did not include this roadway, and also because it is developed as a rural right-of-way, but could be annexed in the future.

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to recommend approval of the annexation of Heritage Ridge Second Addition, except for the 15th Street NW right-of-way along the

western edge of the plat. Commissioner Bakken seconded the motion and the motion was approved with Commissioners Bakken, Laning, Schell, Schwartz, Van Duyne and Wangen voting in favor of the motion. Commissioners Bitner and Levchak opposed the motion.

Commissioner Bitner said the south side of the first phase of Heritage Ridge Addition had an annexed right-of-way and asked what the benefit is to the public of not annexing the adjacent right-of-way.

Ms. Lee said historically when it a roadway is on the edge of the City and the other side of the roadway is outside of the City, there are issues with maintenance, similar to 43rd Avenue NE and 57th Avenue NE. Normally, right-of-way with an improved roadway is not annexed until both side of the roadway are also annexed.

Commissioner Bitner said this would fall to the responsibility of Burleigh County for the time being.

Ms. Lee responded that was correct.

**PUBLIC HEARINGS – ZONING CHANGE AND MINOR SUBDIVISION FINAL PLAT
HUNTINGTON COTTAGES SECOND ADDITION**

Chair Schwartz called for the public hearing on the zoning change from the R5-Residential zoning district to the R10-Residential zoning district and the minor subdivision final plat for Huntington Cottages Second Addition. The proposed plat is 21 lots in one block on 4.54 acres and is located in north Bismarck, west of North Washington Street, along the south side of Colt Avenue (a replat of Lot 4, Block 2, KMK Estates).

Mr. Hutchings gave an overview of the requests, including the following findings related to land use for the zoning change:

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is not compatible with adjacent land uses and zoning.
3. The City of Bismarck and/or other agencies may be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.

6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Mr. Hutchings then gave the findings related to land use for the final plat:

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP).
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed subdivision would not adversely affect the public health, safety and general welfare

Mr. Hutchings said, based on these findings, staff recommends approval of the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district and the minor subdivision final plat for Huntington Cottages Second Addition, with the following conditions:

1. The developer submits a petition for improvements to Colt Avenue prior to plat recordation.
2. The developer enters into a Private Drive and Private Utility Agreement and/or Development Agreement with the City prior to plat recordation.

Chair Schwartz opened the public hearing.

Ken Nysether, SEH Inc., said the developer gathered a lot of support from the surrounding neighborhood and comments to him have been shared with the Commissioners. He said they addressed concerns with the neighboring owners as much as possible and feels the concept fits in well with their other project to the south.

Additional comments in support of the requests are attached as Exhibits A-C.

There being no further comments, Chair Schwartz closed the public hearing.

Commissioner Bitner asked if this is a chunk of land with existing homes or if it is undeveloped.

Mr. Hutchings replied there is one home on the west side of the plat over two lot lines that is to be demolished. He said the site plan approval will come with the condition that it be demolished also.

Commissioner Bitner said it is good to see large lot redevelopment and thinks this is a great way to handle it.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district and the minor subdivision final plat for Huntington Cottages Second Addition, with the following conditions: 1) The developer submits a petition for improvements to Colt Avenue prior to plat recordation; and 2) The developer enters into a Private Drive and Private Utility Agreement and/or Development Agreement with the City prior to plat recordation. Commissioner Bakken seconded the motion and the motion was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

PUBLIC HEARING – RURAL RESIDENTIAL LOT SPLIT LOT 7, BLOCK 1, WILLOW VIEW ESTATES SUBDIVISION

Chairman Schwartz called for the public hearing on a request for a rural residential lot split to split Lot 7, Block 1, Willow View Estates Subdivision into two parcels (to be known as 7A and 7B) for the development of one additional single-family rural residential dwelling. The property is located east of Bismarck, east of 80th Street NE, along the north side of County Highway 10.

Ms. Wollmuth gave an overview of the request, including the following findings related to land use:

1. All technical requirements for approval of a rural residential lot split have been met.
2. The resulting parcels would meet the minimum lot width, depth and area requirements of the zoning district in which it is located.
3. The Gibbs Township Board of Supervisors has not yet made a recommendation for the proposed lot split.
4. The proposed lot split is compatible with adjacent land uses.
5. The proposed lot split and the resulting parcels would not place an undue burden on existing public services and facilities.

6. The proposed lot split complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed lot split is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed lot split would not adversely affect the public health, safety and general welfare.
9. The proposed lot split is compatible with adjacent land uses.
10. The proposed lot split and the resulting parcels would not place an undue burden on existing public services and facilities.
11. The proposed lot split complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
12. The lot split is consistent with the master plan, other adopted plans, policies and accepted planning practice.
13. The proposed lot split would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the rural residential lot split for Lot 7, Block 1, Willow View Estates Subdivision, with the following condition:

1. The existing 800 square foot accessory building, located on the proposed Lot 7B, is demolished prior to the issuance of a permit for a single-family rural residential dwelling on Lot 7B.

Commissioner Levchak said there appears to be an access easement through the driveway and asked if there is a maintenance agreement associated with this easement.

Ms. Wollmuth said there possibly could be between the two current owners.

Commissioner Levchak said he is concerned that if the property is sold and a house is built without a maintenance agreement for the shared access, there could end up being some disputes.

Ms. Wollmuth said she can share that information with the owners and their engineer can also likely relay it as well.

Chair Schwartz opened the public hearing.

Todd Marschall, Houston Engineering, said a maintenance agreement can be proposed to the owner for resolution of that concern.

Commissioner Bitner asked if there is an access easement recorded on the original plat. Mr. Marschall said there is and it was added for access to Lot 8 for the cellular communications tower which will remain there.

There being no further comments, Chair Schwartz closed the public hearing.

Commissioner Schell asked if there is a non-access line along Lot 7.

Ms. Wollmuth said there is a non-access line along the south line of the subdivision adjacent to County Highway 10, with the exception of the 20-foot access location.

Commissioner Levchak said he is bothered to approve this request without a maintenance agreement as part of the lot split and he thinks that should be part of the approval.

Commissioner Bitner asked how that could be added.

Chair Schwartz said it could be added as a condition to the motion to approve.

Commissioner Schell said he would view this as similar to any other plat as far as services needed and there being an understanding between the owners that it is their responsibility. He said it is not the role of the City to find a forever solution for things like this.

Ms. Combs said maintenance agreements are actually not very common, based on her title work experience in North Dakota, and said asking for it would be much more than a standard closure agreement during purchase of the property. She said because it is part of an access it must be maintained and would not be fair to pick that level of participation for the owner.

Commissioner Levchak said he understands not getting involved, he would just prefer see it written rather than understood.

Ms. Combs said because it is a platted easement it is considered to be written and so it is the responsibility of the owners to ensure the access does not get blocked.

Ms. Wollmuth added that she just looked at the underlying plat and there is not a non-access line along that subdivision; however, when the request was reviewed by Burleigh County it was understood that access would only be through the noted access point.

MOTION: Commissioner Bakken made a motion to recommend approval of the rural residential lot split for Lot 7, Block 1, Willow View Estates Subdivision, with the following condition: 1) The existing 800 square foot accessory building, located on the proposed Lot 7B, is demolished prior to the issuance of a permit for a single-family rural residential dwelling on Lot 7B. Commissioner Bitner seconded the motion and the motion was unanimously approved with

Commissioners Bakken, Bitner, Laning, Levchak, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

**PUBLIC HEARING - SPECIAL USE PERMIT
PART OF LOT 3 (TO BE KNOWN AS LOT 3A OF LOT 3), BLOCK 1,
MEADOWLARK COMMERCIAL 4TH ADDITION**

Chair Schwartz called for the public hearing on a special use permit for a drive-through in conjunction with a new fast food restaurant to be located on part of Lot 3 (to be known as Lot 3A of Lot 3) Block 1, Meadowlark Commercial 4th Addition. The property is located in north Bismarck, north of 43rd Avenue NE and east of US Highway 83, along the west side of Skyline Crossings.

Ms. Wollmuth gave an overview of the request, including the following findings related to land use:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use is compatible with adjacent land uses and zoning.
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on these findings, staff recommends approval of the special use permit for a drive-through in conjunction with a new fast food restaurant on Part of Lot 3 (to be known as Lot 3A of Lot 3), Block 1, Meadowlark Commercial 4th Addition.

Chair Schwartz opened the public hearing.

Harvey Schneider, Toman Engineering, said he concurs with Ms. Wollmuth's comments and presentation and added that the Culver's corporate office prepared this site plan and have said that about 60% of their business is drive-through orders. He added that 14 stacking spaces are being provided with an entrance off of Skyline Crossings.

Commissioner Van Duyne said she sees a lot of stacking space being provided and asked if any parking would be available directly adjacent to the building. She said the ADA spaces appear to be across the drive lane and asked if that is similar to other locations.

Commissioner Van Duyne then said she sees one pedestrian crossing on the north side of the building and asked how other protective measures will be taken.

Mr. Schneider said it is comparable to the Mandan location as far as the pedestrian crossing and location of the ADA spaces. He added that they can look into adding a pedestrian crossing on the east and west sides as they prepare the official site plan for review by City staff.

Commissioner Levchak asked what the rationale is for having a crosswalk from the parking area to the building.

Mr. Schneider said that can also be asked to the Culver's corporate office, as they do have a little room for adjustment if needed.

There being no further comments, Chair Schwartz closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to approve the special use permit for a drive-through in conjunction with a new fast food restaurant on Part of Lot 3 (to be known as Lot 3A of Lot 3), Block 1, Meadowlark Commercial 4th Addition. Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

PUBLIC HEARING - SPECIAL USE PERMIT LOT 2, BLOCK 3, BREEN'S 2ND SUBDIVISION (8001 79TH AVENUE NE)

Chair Schwartz called for the public hearing on a special use permit to increase the total area of accessory buildings to 3,165 square feet, which would allow the construction of a 2,240 square-foot accessory building, on Lot 2, Block 3, Breen's 2nd Subdivision (8001 79th Avenue NE).

Ms. Wollmuth gave an overview of the request, including the following findings related to land use:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.

2. The proposed special use is compatible with adjacent land uses and zoning.
3. The Hay Creek Township Board of Supervisors has recommended approval of the proposed special use.
4. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
5. Adequate public facilities and services are in place or would be provided at the time of development.
6. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
7. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
8. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice.
9. The proposed special use would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on these findings, staff recommends approval of the special use permit to increase the total area of accessory buildings to 3,165 square feet, which would allow the construction of a 2,240 square-foot accessory building, on Lot 2, Block 3, Breen's 2nd Subdivision (8001 79th Avenue NE).

Commissioner Levchak asked how large of a building could be built without a special use permit. Ms. Wollmuth said they could go up to 2,400 square feet total at this property without a special use permit. She said over 2,400 square feet and up 3,200 square feet requires a special use permit.

Chair Schwartz opened the public hearing.

There being no comments, Chair Schwartz closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to approve the special use permit to increase the total area of accessory buildings to 3,165 square feet, which would allow the construction of a 2,240 square-foot accessory building, on Lot 2, Block 3, Breen's 2nd Subdivision (8001 79th Avenue NE). Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

**PUBLIC HEARING - SPECIAL USE PERMIT
LOT 9, BLOCK 2, PRAIRIE PINES FIRST SUBDIVISION (9401 CEDAR LANE)**

Chair Schwartz called for the public hearing on a special use permit to increase the total area of accessory buildings to 2,592 square feet, which would allow the construction of a 2,400 square-foot accessory building, on Lot 9, Block 2, Prairie Pines First Subdivision (9401 Cedar Lane). The property is located north of Bismarck, south of 97th Avenue NE and west of 41st Street NE, along the east side of Cedar Lane (9401 Cedar Lane).

Ms. Wollmuth gave an overview of the request, including the following findings related to land use:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use is compatible with adjacent land uses and zoning.
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on these findings, staff recommends approval of the special use permit to increase the total area of accessory buildings to 2,592 square feet, which would allow the construction of a 2,400 square-foot accessory building, on Lot 9, Block 2, Prairie Pines First Subdivision (9401 Cedar Lane).

Chair Schwartz opened the public hearing.

Written comments in support of the request are attached as Exhibits D-F.

There being no further comments, Chair Schwartz closed the public hearing.

Commissioner Bitner said he received a call from a concerned citizen regarding the potential for commercial activity on this property and asked if that is what the building will be used for.

Mr. Markwed, the applicant, said he does own an excavating company, but he owns other property and buildings for that equipment, and this building will be for personal use only.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to approve the special use permit to increase the total area of accessory buildings to 2,592 square feet, which would allow the construction of a 2,400 square-foot accessory building, on Lot 9, Block 2, Prairie Pines First Subdivision (9401 Cedar Lane). Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

Commissioner Van Dyke joined the meeting at this time.

OTHER BUSINESS

INTRODUCTION OF NEW PLANNING AND ZONING COMMISSIONER JOHN VAN DYKE

Chair Schwartz introduced John Van Dyke as the newest member of the Bismarck Planning and Zoning Commission. He welcomed Commissioner Van Dyke and thanked him for joining this Commission.

Commissioner Van Dyke introduced himself and said he is a planner by occupation, originally from Boise, Idaho, and has a background in land use planning, and is currently working for the City of Mandan. He said he is looking forward to his role as a Planning Commissioner.

UPDATE ON REVISED ANNEXATION REQUEST – ELK RIDGE SECOND ADDITION

Ms. Lee said at the April meeting of the Bismarck Planning and Zoning Commission, a request for the annexation of Elk Ridge Second Addition was approved. She said since that time, the applicant has requested to reduce the annexation area. She said this is not a typical request, so she wanted to share it here as it is ready to proceed to the City Commission for consideration as a reduced annexation request. Ms. Lee showed an exhibit of the reduced area and said a connection to the corporate limits would still be provided, but the outer edge would not be included in the annexation. She said it would still be platted and zoned as previously approved as well.

Commissioner Levchak asked if it is common for a request to change after it has been approved.

Ms. Lee said it is not common.

Commissioner Levchak said he would prefer they stay with what they applied for rather than changing it after it has been approved.

Ms. Lee said staff did not have a concern with the reduction as it would be smaller rather than larger and staff would still have recommended approval to this Commission if it had been proposed at the reduced size Initially.

Commissioner Levchak said he is uncomfortable with a developer reducing the taxation by annexing pieces of property at a time.

Ms. Lee said many years ago it was typical to annex pieces at a time like this after the subdivision was completed.

Commissioner Levchak asked if action needs to be taken on this.

Ms. Lee said she was providing it more as an update, so it was not placed on the agenda as an action item.

Ms. Combs added this is a regular meeting so action can be taken if that is the wish of the Commission.

Commissioner Bakken asked if the rest of the property would be annexed eventually.

Ms. Lee said it would be annexed prior to development, possibly as soon as next year.

Commissioner Bakken said he is comfortable with that.

Commissioner Bitner asked how the rest would be formally annexed.

Ms. Lee said it would be submitted as a new application for approval by this Commission as an annexation of the remainder of the platted area.

Chair Schwartz asked what the preference is on how to proceed.

Ms. Lee said the request has not been to City Commission yet and would go in June unless this Commission has other preferences.

Commissioner Schell said he views this similarly as if it had gone to City Commission for approval and then a change happened there, it just happens to be earlier in the process and is a lesser request than what was originally approved.

Commissioner Laning said he agrees with that sentiment and said if it was approved first at a larger scale it should not be an issue to approve it at a smaller scale.

Chair Schwartz said he is receiving the sense that there is not a need for a motion and the request can proceed to consideration by the City Commission with the reduced annexation size.

OTHER

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 6:05 p.m. to meet again on June 24, 2020.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Mike Schwartz
Chair

From: [William Hutchings](#)
To: [Hilary Balzum](#)
Subject: FW: Proposed zoning change
Date: Wednesday, May 27, 2020 4:08:10 PM

Will Hutchings, Planner
Community Development Department
Planning Division
701.355.1840-Department
701.355.1850- Direct
www.bismarcknd.gov

From: Hunt Boustead <[REDACTED]>
Sent: Tuesday, May 26, 2020 2:21 PM
To: William Hutchings <whutchings@bismarcknd.gov>
Cc: Joel Peterson <[REDACTED]>; Ken Nysether <[REDACTED]>
Subject: Fwd: Proposed zoning change

Will -

Please place the email below into the file for tomorrows planning meeting as support from the adjacent land owner to the south - Dan Haakenson

Hunt Boustead
[REDACTED]
[REDACTED]

----- Forwarded message -----

From: Joel Peterson <[REDACTED]>
Date: Tue, May 26, 2020, 2:07 PM
Subject: Fwd: Proposed zoning change
To: Hunt Boustead <[REDACTED]>

Joel Peterson
Huntington Homes
[REDACTED]

----- Forwarded message -----

From: Dan Haakenson <[REDACTED]>
Date: Tue, May 26, 2020, 1:33 PM
Subject: Proposed zoning change
To: [REDACTED]

Joel,

I own the property owner of the west 2.25 acres on the south side of your proposed development, lot A of lot B. After reviewing the map I received from the City of Bismarck, I have come to the conclusion that your plan provides sufficient flexibility for development of my property.

Dan Haakenson

From: [William Hutchings](#)
To: [Hilary Balzum](#)
Subject: FW: Re-plat of Huntington Cottages Phase II
Date: Tuesday, May 26, 2020 3:01:25 PM

Will Hutchings, Planner
Community Development Department
Planning Division
701.355.1840-Department
701.355.1850- Direct
www.bismarcknd.gov

From: Hunt Boustead <[REDACTED]>
Sent: Tuesday, May 26, 2020 2:23 PM
To: William Hutchings <whutchings@bismarcknd.gov>; Ken Nysether <[REDACTED]>; Joel Peterson <[REDACTED]>
Subject: Fwd: Re-plat of Huntington Cottages Phase II

Will -

Please place the email below into the file for tomorrows planning meeting as support from the adjacent land owner to the east - Century Baptist Church.

Hunt Boustead
[REDACTED]
[REDACTED]

----- Forwarded message -----

From: Joel Peterson <[REDACTED]>
Date: Tue, May 26, 2020, 2:06 PM
Subject: Fwd: Re-plat of Huntington Cottages Phase II
To: Hunt Boustead <[REDACTED]>


Joel Peterson
Huntington Homes
[REDACTED]

----- Forwarded message -----

From: Bill Marti <[REDACTED]>
Date: Tue, May 26, 2020, 12:35 PM
Subject: Re-plat of Huntington Cottages Phase II
To: [REDACTED]>

Century Baptist Church has no objection to the re-platting of the proposed project immediately to the west of our property at 205 Colt Ave.

Bill Marti

Bill Marti
Director of Operations
Century Baptist Church
205 Colt Ave
Bismarck, ND 58503


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From: [Kim Lee](#)
To: [Hilary Balzum](#)
Subject: FW: Huntington Cottages Second Addition
Date: Wednesday, May 27, 2020 12:21:02 PM

-----Original Message-----

From: Joy Hofstad <[REDACTED]>
Sent: Tuesday, May 26, 2020 7:32 PM
To: Kim Lee <klee@bismarcknd.gov>
Subject: Huntington Cottages Second Addition

Kim:

I am sending you this e-mail about the proposed development (Huntington Cottages Second Addition) in northwest Bismarck. My property is next to the Curt Wentz property on the west side of Curt's property in the Northwest corner. I visited with Joel about the planned development and he indicated to me that the twin homes they are planning on Curt's property will be very similar to the Huntington Cottages they have on Buckskin Drive in northwest Bismarck. I would certainly like to see something like that in that location featuring 55 and over Independent Senior Living twin homes. The development I feel would be an improvement to the area without adversely impacting property values in the area. There are developers I feel that could have other plans for that location that could I feel not only impact property value but the overall appreciation homeowners have for that area and the wonderful privilege we have to be living in such a wonderful area. Please consider their plan and the benefits and overall impact a development like that could do for that location. If you will not be attending the meeting would you please forward this e-mail to the proper address prior to the scheduled meeting. Thank you so much.

Respectfully:
Jeff and Joy Hofstad
405 Colt Avenue
Bismarck, ND 58503
Sent from my iPad

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Micheal Markwed special use permit
Date: Tuesday, May 26, 2020 10:07:28 AM

From: Corey Morlock [mailto: [REDACTED]]
Sent: Saturday, May 23, 2020 1:13 PM
To: Jenny Wollmuth <jwollmuth@bismarcknd.gov>
Cc: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Micheal Markwed special use permit

To whom this may concern,

My name is Corey Morlock, and I am Mike Markwed's next door neighbor to the north. I am writing this letter, showing my full support of allowing Mike's special use permit to be approved. Mike has a beautiful house, and I know the building he wants to add, will be just as beautiful.

So I strongly urge you to approve this special use permit for Michael Markwed.

Corey Morlock
9421 Cedar Lane, Bismarck ND 58503
[REDACTED]

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: MICHAEL MARKWED ADDITIONAL ACCESSORY BUILDINGS SPACE AT 9401 CEDAR LANE
Date: Tuesday, May 26, 2020 10:13:02 AM

From: Rachelle [mailto: [REDACTED]]
Sent: Sunday, May 24, 2020 11:43 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: MICHAEL MARKWED ADDITIONAL ACCESSORY BUILDINGS SPACE AT 9401 CEDAR LANE

We (Galynn and Rachelle Degner) have no problem with the additional accessory building space that Michael Markwed is requesting at 9401 Cedar Lane, Bismarck, ND.

Thank you,
Galynn and Rachelle Degner
3900 Connar Drive
Bismarck, ND 58503

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Michael Markwed shop at 9401 Cedar lane
Date: Wednesday, May 27, 2020 4:43:48 PM

-----Original Message-----

From: [REDACTED] [[mailto:\[REDACTED\]](#)]
Sent: Tuesday, May 26, 2020 8:26 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Michael Markwed shop at 9401 Cedar lane

To whom it may concern: My name is Mike Pochant and I live at 9331 Paige dr. In the prairie pines subdivision. In regards to the shop that the gentleman would like to build I could care less how big he wants to build it. I give my approval.

Sent from my iPhone

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 5/2020

*****City*****

*****ETA*****

	5/2020		5/2019		5/2020		5/2019	
Permit Type	Total	Valuations	Total	Valuations	Total	Valuations	Total	Valuations
SINGLE FAMILY DETACHED	22	\$5,839,538.72	24	\$5,692,278.43	5	\$1,553,804.29	4	\$2,095,807.90
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	\$0.00	4	\$862,398.20	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	3	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	1	\$9,984.00	6	\$254,921.00	2	\$98,484.48	1	\$37,099.00
DETACHED GARAGE	8	\$121,038.75	6	\$84,665.00	10	\$294,203.00	15	\$341,235.00
DECKS\PORCHES & COVERED PORCHES	27	\$126,695.16	30	\$107,007.00	3	\$12,890.00	4	\$15,376.00
SWIMMING POOLS	1	\$79,280.00	1	\$57,699.00	0	\$0.00	0	\$0.00
RESIDENTIAL ALTERATION/OTHER	3	\$57,878.12	5	\$70,200.00	0	\$0.00	0	\$0.00
HOME OCCUPATION	0	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHED	1	\$23,296.00	5	\$14,090.00	1	\$2,880.00	0	\$0.00
BASEMENT FINISH	9	\$194,891.25	8	\$110,708.00	1	\$32,775.00	1	\$7,371.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	1	\$0.00	0	\$0.00
NEW SIGN PERMITS	6	\$274,579.00	13	\$129,742.00	1	\$575.00	0	\$0.00
SIGN ALTERATION	1	\$24,055.00	2	\$10,200.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	1	\$210,400.00	2	\$969,100.00	0	\$0.00	0	\$0.00
COMMERCIAL ADDITION	1	\$1,051,510.00	2	\$1,637,325.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	8	\$12,277,275.00	11	\$1,291,241.96	0	\$0.00	0	\$0.00
Total	92	\$20,290,421.00	124	\$11,291,575.59	24	\$1,995,611.77	25	\$2,496,888.90

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 5/2020

*****City*****

*****ETA*****

	5/2020		5/2019		5/2020		5/2019	
Trade Permit Type	Total	Valuations	Total	Valuations	Total	Valuations	Total	Valuations
BUILDING ELECTRIC	77	\$28,000.00	91	\$62,366.96	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	89	\$2,449,952.14	96	\$4,588,012.00	14	\$35,895.00	6	\$193,457.00
BUILDING PLUMBING	42	\$814,783.90	47	\$690,968.00	6	\$418,515.00	4	\$52,500.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	6	\$6,850.00	3	\$0.00
Total	208	\$3,292,736.04	234	\$5,341,346.96	26	\$461,260.00	13	\$245,957.00

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 5/2020

	*****City*****		*****ETA*****	
	5/2020	5/2019	5/2020	5/2019
Living Units	Units	Units	Units	Units
MANUFACTURED HOMES	3	3	0	0
Total	3	3	0	0

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 5/2020

*****City*****

*****ETA*****

	5/2020		5/2019		5/2020		5/2019	
Permit Type	Total	Valuations	Total	Valuations	Total	Valuations	Total	Valuations
SINGLE FAMILY DETACHED	69	\$17,100,339.09	57	\$14,205,493.99	19	\$5,919,819.87	11	\$4,261,842.83
ROWHOUSE (2) 1-HR FIRE SEPARATION	9	\$1,818,950.37	16	\$2,987,735.16	2	\$429,629.68	0	\$0.00
MANUFACTURED HOMES	6	\$0.00	5	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	4	\$421,379.76	9	\$768,025.66	5	\$288,781.52	4	\$280,044.19
DETACHED GARAGE	13	\$215,878.25	9	\$119,597.00	19	\$658,913.00	22	\$524,997.00
DECKS\PORCHES & COVERED PORCHES	45	\$237,640.92	49	\$236,746.00	4	\$12,890.00	12	\$54,281.00
SWIMMING POOLS	4	\$234,510.00	1	\$57,699.00	0	\$0.00	0	\$0.00
RESIDENTIAL ALTERATION/OTHER	15	\$969,949.12	18	\$668,041.00	5	\$181,075.00	3	\$156,750.00
HOME OCCUPATION	1	\$0.00	6	\$0.00	2	\$0.00	0	\$0.00
STORAGE SHED	1	\$23,296.00	9	\$27,604.00	1	\$2,880.00	0	\$0.00
BASEMENT FINISH	40	\$578,970.75	59	\$784,583.00	8	\$139,934.50	8	\$129,978.00
RESIDENTIAL	5	\$0.00	2	\$0.00	0	\$0.00	1	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	1	\$0.00	0	\$0.00
NURSERY STOCK SALES	0	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	5	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
MOVE WITHIN	0	\$0.00	0	\$0.00	0	\$0.00	1	\$0.00
NEW SIGN PERMITS	42	\$647,654.00	54	\$574,135.00	2	\$1,175.00	1	\$2,500.00
SIGN ALTERATION	7	\$56,305.00	11	\$171,608.00	0	\$0.00	0	\$0.00
ELECTRONIC MESSAGE CENTER	0	\$0.00	1	\$23,090.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	8	\$62,434,206.00	9	\$12,689,101.00	5	\$0.00	1	\$54,134.00
COMMERCIAL ADDITION	4	\$1,582,716.00	4	\$15,745,275.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	58	\$25,021,957.07	60	\$17,180,282.96	0	\$0.00	3	\$790,000.00
Total	336	\$111,343,752.33	383	\$66,239,016.77	73	\$7,635,098.57	67	\$6,254,527.02

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 5/2020**

*****City*****

*****ETA*****

	5/2020		5/2019		5/2020		5/2019	
Permit Type	Total	Valuations	Total	Valuations	Total	Valuations	Total	Valuations
BUILDING ELECTRIC	362	\$130,498.00	302	\$212,366.96	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	460	\$10,752,090.12	441	\$8,775,364.39	65	\$928,766.00	65	\$650,030.27
BUILDING MECHANICAL FIREPLACE	0	\$0.00	0	\$0.00	1	\$3,000.00	0	\$0.00
BUILDING MECHANICAL NEW CONSTRUCTION	1	\$23,000.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING PLUMBING	142	\$8,484,911.69	98	\$2,084,653.00	26	\$706,478.43	11	\$163,300.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	10	\$6,850.00	5	\$75.00
Total	965	\$19,390,499.81	841	\$11,072,384.35	102	\$1,645,094.43	81	\$813,405.27

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 5/2020

*****City*****

*****ETA*****

	5/2020	5/2019	5/2020	5/2019
Living Units	Units	Units	Units	Units
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
MANUFACTURED HOMES	6	5	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	1	0	1	0
RESIDENTIAL ADDITION	1	0	1	0
RESIDENTIAL ALTERATION/OTHER	2	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	9	16	2	0
SINGLE FAMILY DETACHED	65	56	17	11
SWIMMING POOLS	1	0	0	0
Total	85	77	21	11